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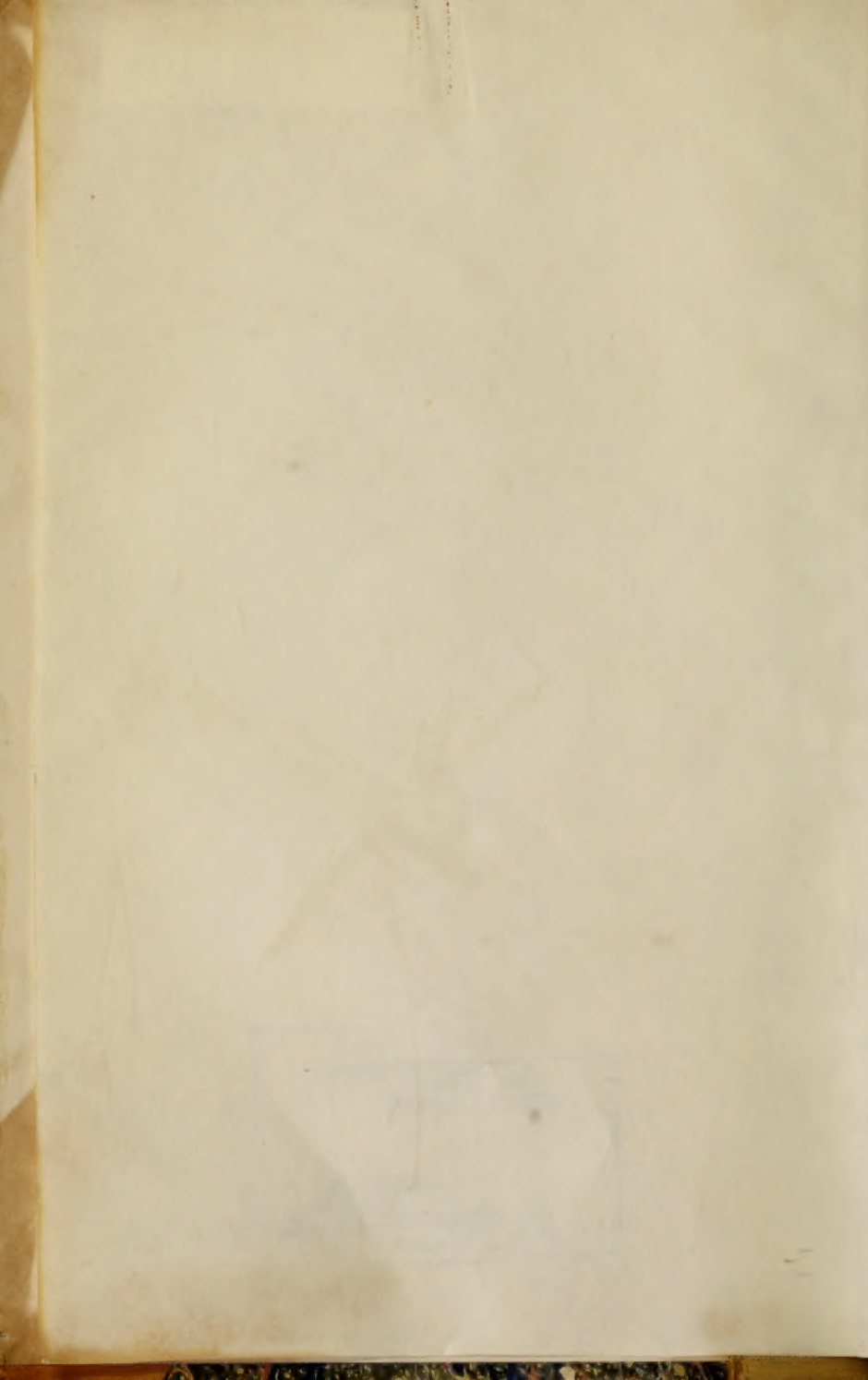


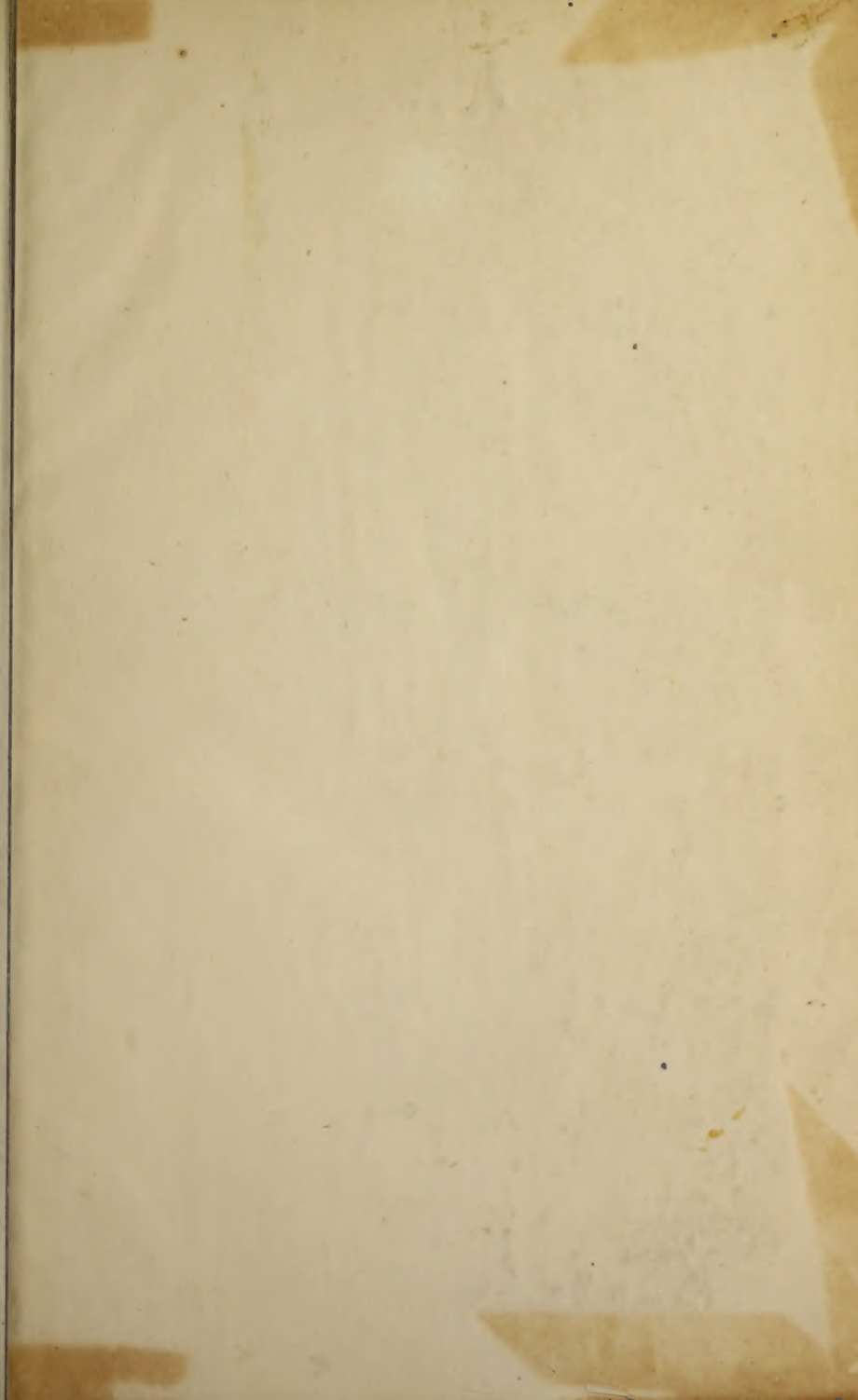
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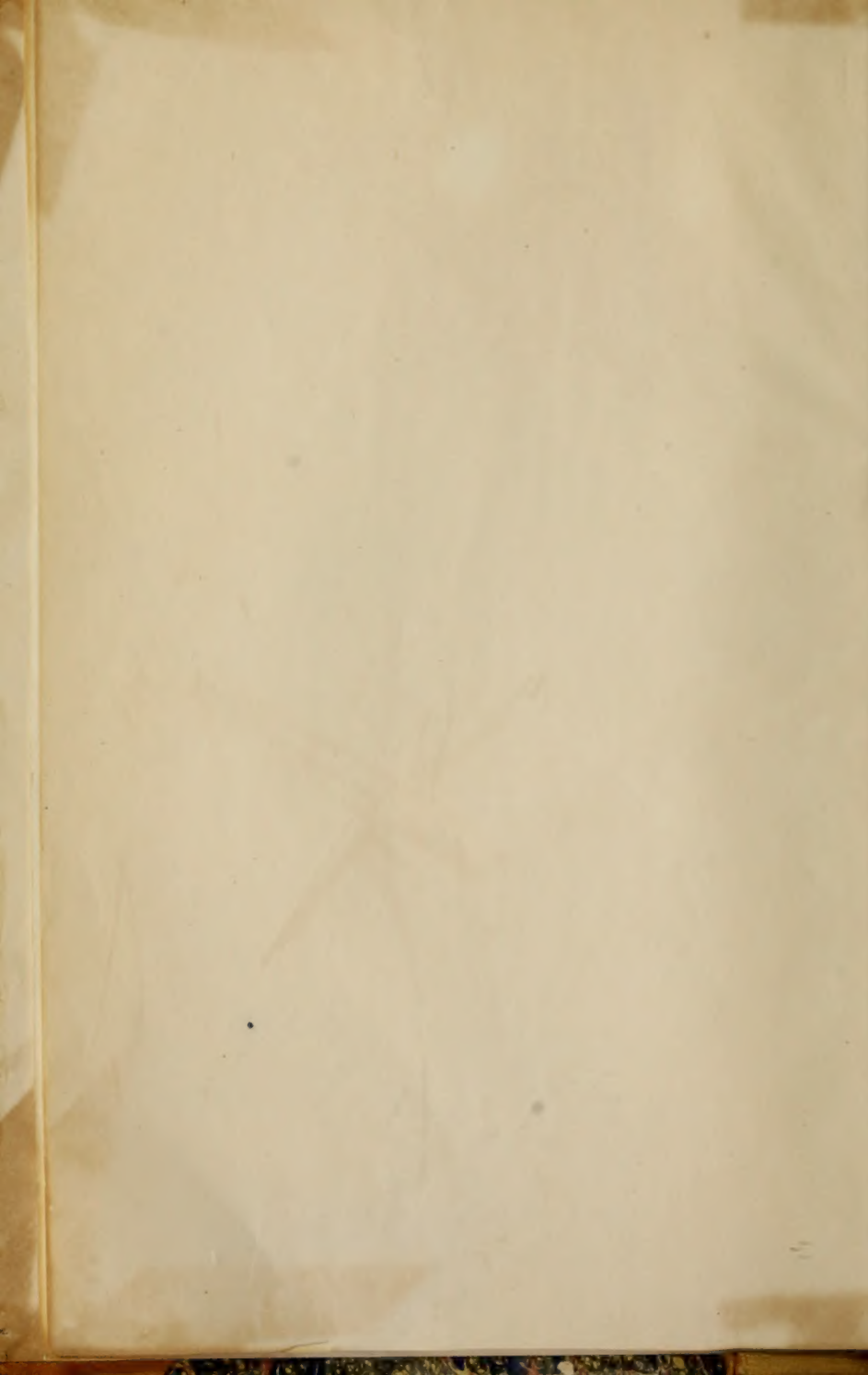
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JOURNAL OF THE SENATE

SEVENTEENTH SESSION

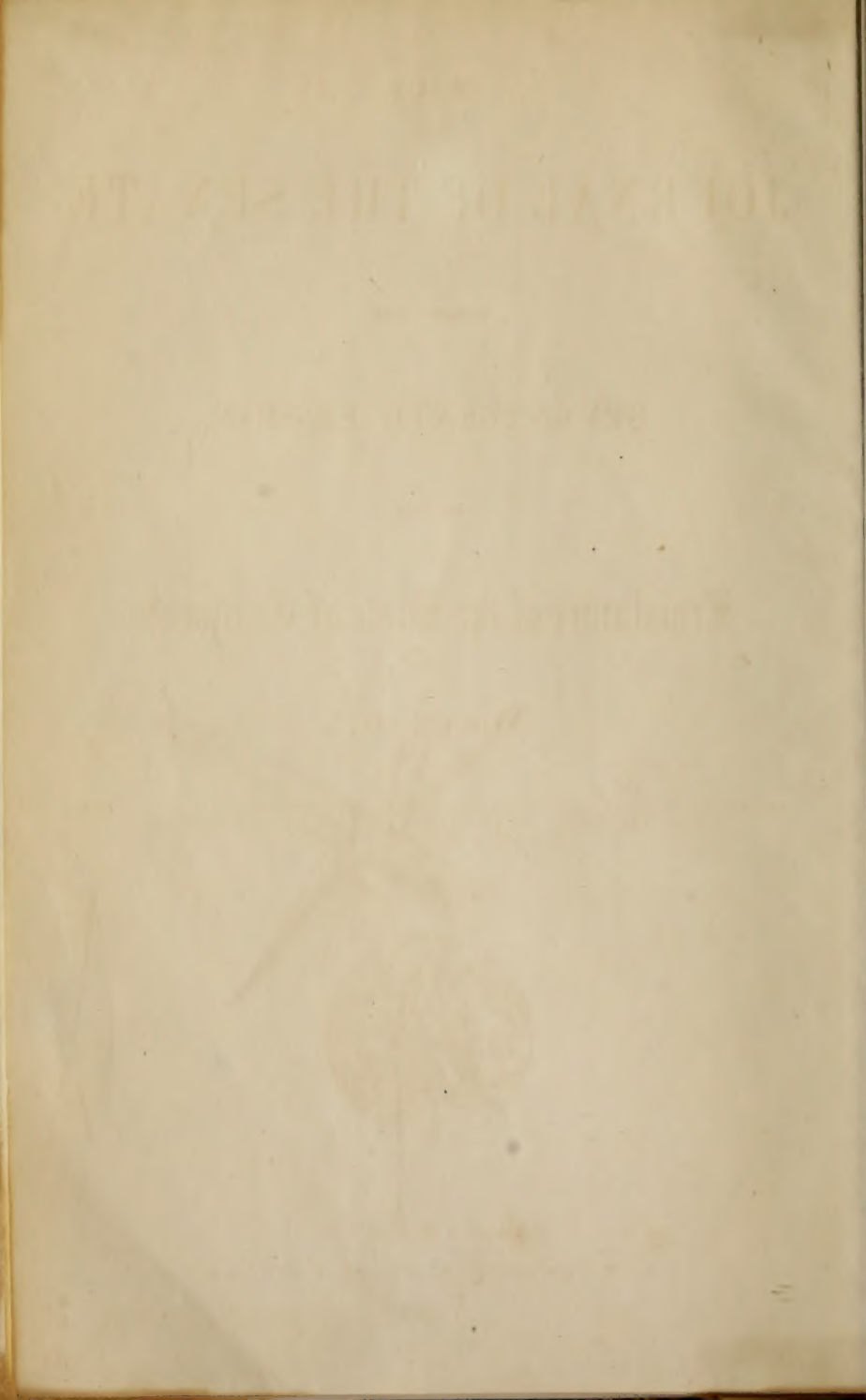
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THE
JOURNAL OF THE SENATE

DURING THE
SEVENTEENTH SESSION

OF THE
Legislature of the State of California,

1867-8.

BEGAN ON MONDAY, DECEMBER SECOND, EIGHTEEN HUNDRED AND SIXTY-
SEVEN, AND ENDED ON MONDAY, MARCH THIRTIETH, EIGHTEEN
HUNDRED AND SIXTY-EIGHT.



SACRAMENTO :
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1868.

JOURNAL OF THE SENATE

OF THE STATE OF NEW YORK

FOR THE YEAR 1880

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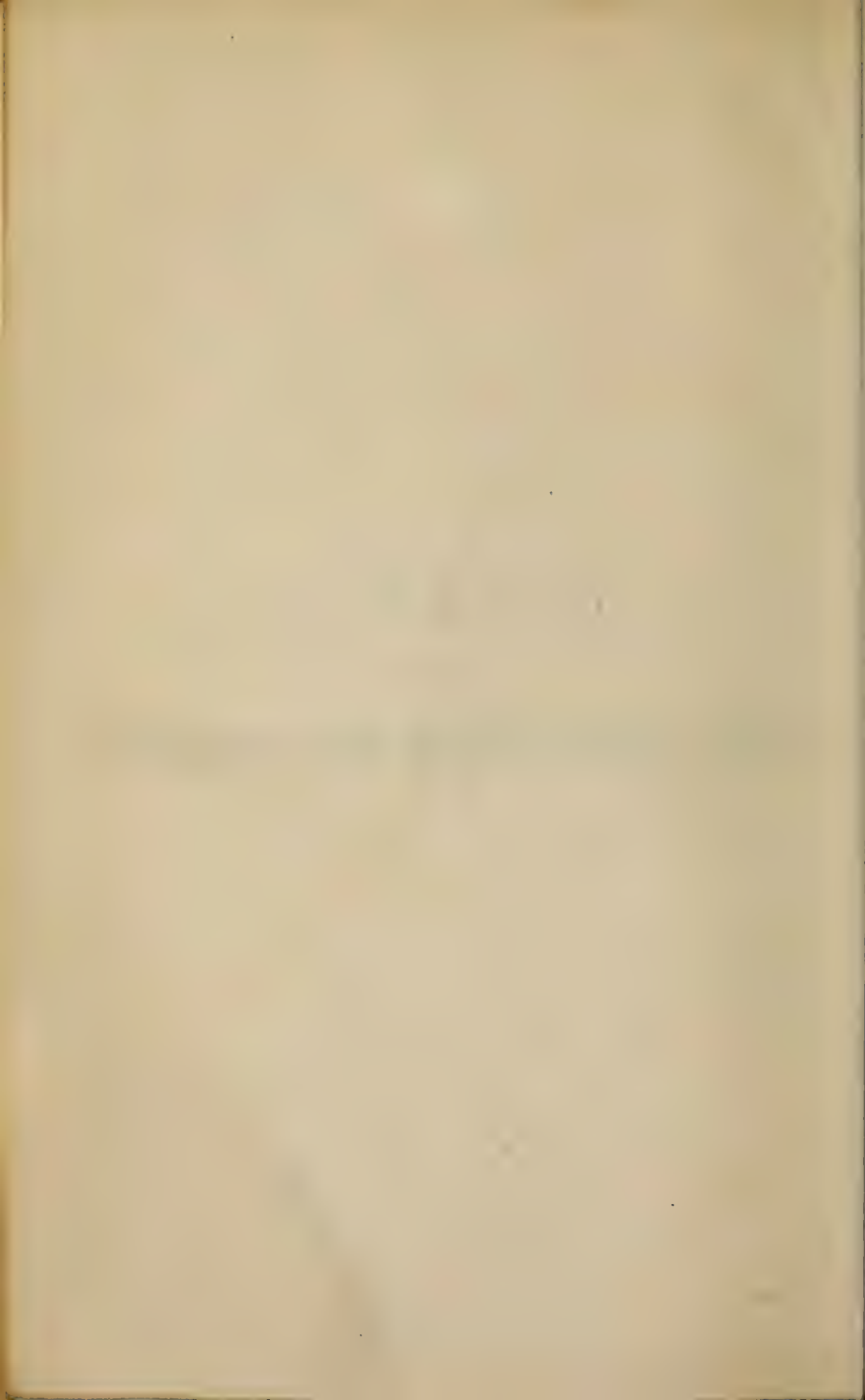


PRINTED BY J. B. LIPPINCOTT & CO.

JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.



CALIFORNIA LEGISLATURE.—IN SENATE.

SEVENTEENTH SESSION.

SENATE CHAMBER,
Monday, December 2d, 1867. }

The Senate met at twelve o'clock M., pursuant to the requirements of the Constitution of California. Lieutenant-Governor T. N. Machin, the President, spoke as follows:

GENTLEMEN:—The time fixed for the organization of the Legislature having arrived, it devolves upon me to call the Senate to order. The Senate will now come to order.

The roll of Senators holding over was called by the Secretary, and the following answered to their names, to wit:

Messrs. Banning, Belden, Bradley, Ewer, Freeman, Hardy, Heacock, Johnson, Mizner, Murphy, Pearce, Pratt, Robinson, Rose, Shaw, Teegarden, Tubbs, Wadsworth, and Wolcott.

By direction of the President, the Senators elect came forward, presented their credentials to the Secretary, and took the oath of office, which was administered by the Honorable Lorenzo Sawyer, Justice of the Supreme Court.

The members elect are duly recorded on the roll of Senators, as follows:

Messrs. Beach, Chappell, Connely, Conn, Curtis, Green, Hager, Hunter, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murch, Pendegast, Perley, Roberts, Saunders, and Tweed.

PARLIAMENTARY GOVERNMENT.

The members elect, having been sworn in, Mr. Belden offered the following resolution:

1SEN

Resolved, That the President of the Senate appoint a committee of three to prepare and report a system of rules for the government of the Senate, said committee to act with a committee of the Assembly in recommending the Joint Rules of both Houses, and that such committee be instructed to report such Senate Rules at the next meeting of this body.

Mr. Freeman proposed as a substitute, that the Rules of the previous session of the Senate be adopted until the organization of the present body shall be completed.

On adopting the latter proposition, the ayes and noes were demanded, by Messrs. Ewer, Heacock, and Belden, and the Senate refused, by the following vote :

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

The original resolution was then adopted by a *viva voce* vote.

The committee proposed by the foregoing resolution was nominated by the President, and is composed of Messrs. Belden, Pratt, and Freeman.

On motion of Mr. Pratt, the Senate adjourned until twelve o'clock, M., to-morrow.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Tuesday, December 3d, 1867. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by Rev. Mr. McDonald.

Minutes of yesterday read and approved.

TEMPORARY APPOINTMENTS.

The President announced the following temporary appointments :

Porters.—William Gault, and Benjamin Turner.

Postoffice Page.—Rolla Fuller.

Pages.—Louis Berger, and W. Ormsby.

Paper Folder.—B. Steinman.

REPORT.

Mr. Belden, from the Committee on Rules for the Government of the Senate, made the following report :

MR. PRESIDENT :—The committee appointed to report Standing Rules and Order of Business for the government of the Senate, respectfully report the following :

STANDING RULES OF THE SENATE.

1.

OPENING OF THE DAILY SESSIONS.

The time of meeting of the Senate shall be eleven o'clock, A. M., (Sundays excepted,) and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

2.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

3.

A President pro tem. shall be elected, who shall, in the absence of the President, take the Chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

4.

DUTY OF MEMBERS TO GIVE ATTENDANCE.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President, or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the

Senate, and the Sergeant at Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

5.

ORDER OF BUSINESS.

After the reading and approving of the Journal, the order of business shall be as follows :

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Second Reading and Commitment of Bills.
7. Introduction and First Reading of Bills.
8. Motions, Resolutions, and Notices.
9. Business on the General File, and Third Reading of Bills.
10. Unfinished Business of the preceding day.
11. Special Orders of the Day.
12. Reports from the Committees on Enrolment and on Engrossment shall at all times be in order.

Provided, that messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

6.

The general file shall be the special order for each day from twelve o'clock until two p. m., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time, or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

7.

The Secretary shall post, each morning, in a conspicuous place, a list of all bills upon the general file, giving their order, and also setting forth their number, and so much of their title as necessary to enable Senators to understand their general purport.

8.

All questions relating to the priority of business shall be decided without debate.

9.

BILLS.

If objection be made to the introduction of a bill except on report of a committee, or on previous notice, it shall lie over one day, unless the Senate, by a two thirds vote, direct otherwise.

10.

Every bill shall receive three readings previous to its being passed. The President shall give notice at each whether it be the first, second, or third, which reading shall be on different days, unless the Senate, by a two thirds vote, direct otherwise; *provided*, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed or placed on the general file. No bill shall be amended or committed until twice read.

11.

All bills, on a second reading, shall be considered by the Senate in the same manner as if the Senate was in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.

12.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, and when, by order of the Senate, any Senate bill shall have been considered engrossed and passed, it shall be the duty of said committee to cause the same to be correctly engrossed and reported to the Senate; the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

13.

All bills, after the second reading, (if the same be not committed, but, if committed, then upon being reported,) shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

14.

AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take place of the original bill or resolution, and shall be open to amendment.

15.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

16.

In filling up blanks, the least sum or number and the shortest time shall be put first.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

COMMITTEES.

The following standing committees shall be appointed :

1. Committee on Claims, to consist of five members.
2. Committee on Finance, to consist of five members.
3. Committee on Judiciary, to consist of nine members.
4. Committee on Elections, to consist of five members.
5. Committee on Public Lands, to consist of five members.
6. Committee on Commerce and Navigation, to consist of five members.
7. Committee on Federal Relations, to consist of five members.
8. Committee on State Hospitals, to consist of five members.
9. Committee on Mines and Mining Interests, to consist of seven members.
10. Committee on State Prison and Prison Buildings, to consist of five members.
11. Committee on Education, to consist of five members.
12. Committee on State Library, to consist of three members.
13. Committee on Mileage, to consist of three members.
14. Committee on Counties and County Boundaries, to consist of five members.
15. Committee on Corporations, to consist of five members.
16. Committee on Agriculture, to consist of five members.
17. Committee on Public Printing, to consist of five members.
18. Committee on Roads and Highways, to consist of three members.
19. Committee on Contingent Expenses of Senate, to consist of five members.
20. Committee on Military Affairs, to consist of five members.
21. Committee on Public Expenditures, to consist of five members.
22. Committee on Public Morals, to consist of five members.
23. Committee on Engrossed Bills, to consist of six members.
24. Committee on Enrolled Bills, to consist of six members.
25. Committee on Internal Improvements, to consist of five members.
26. Committee on Swamp and Overflowed Lands, to consist of five members.
27. Committee on Public Buildings, other than Prison Buildings, to consist of five members.

All committees of the Senate, and all joint committees on the part thereof, shall be appointed by the Senate.

No committee (standing or special) shall elect a Clerk or Sergeant-at-Arms without first obtaining the consent of the Senate.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

ORDER.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

No motion shall be debated until the same be seconded, and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any member, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

When the reading of a paper is called for, (except petitions,) and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of another who has not spoken.

When two or more members rise at once, the President shall name the member who is to speak first.

When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any member. If the member be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

QUESTION.

The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall it be engrossed, and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order before the final passage of any such bill to move its commitment under special instructions.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question.

On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order, arising after a motion is made for the previous question, (or while acting under the previous question,) shall be decided, whether on appeal or otherwise, without debate.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly and without debate his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

When any member is absent without the bar of the Senate when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present, nor shall a member be counted, on a division of a vote, who is absent without the bar of the Senate without leave.

RECONSIDERATION.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for a reconsideration of a vote making a final disposition of any bill or resolution be made on the day on which the same was taken; nor shall any question be reconsidered more than once.

No motion to reconsider shall be entertained at a later period than the next day of the actual session of the Senate after the vote to be reconsidered has been taken; nor then, unless notice of intention to move a reconsideration shall have been given by some Senator on the same day when such vote was taken; but when any vote shall be reconsidered the Senate may at the same time proceed to reconsider any previous vote or order in relation to the same bill or resolution without further notice. No notice of intention to move a reconsideration shall be given on the day next preceding the last day of the session.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

JOURNAL.

The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the Journal.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being

taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted in the Journal.

39.

RULES.

The Rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

40.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in "Cushing's Law and Practice of Legislative Assemblies."

41.

No rule shall be suspended without the concurrence of two thirds of the members present, and no additional rule or amendment of a rule shall be made without giving at least one day's notice, and the concurrence of two thirds of the members present; *provided*, that no rule requiring unanimous consent shall be suspended by operation of this rule.

42.

POWERS OF THE PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, bills, etc., of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to Reporters.

43.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

44.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

45.

SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during

its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for travelling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and if required so to do, draw the money on such checks for the members, (the same being previously signed by the President and indorsed by the member or person to whom the check is made,) and pay over the same to the member or person entitled thereto.

46.

MESSENGERS.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

47.

DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, Members of the Assembly, officers of the two Houses, and such Reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt all persons outside the bar or in the gallery found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

48.

EXECUTIVE NOMINATIONS.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be at once acted upon, unless the Senate shall, by a majority vote, otherwise direct.

49.

PRINTING.

No bill or other matter shall be printed without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the reception by the Senate of all such printed matter, and the quantity, before payment shall be made, or bills audited; and maps accompanying documents shall not be printed under the general order to print without the special direction of the Senate.

Two hundred and forty (240) copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

SECRET SESSION.

On a motion made and seconded to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the members, Secretaries, Sergeant-at-Arms, and Doorkeeper, of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

BELDEN,

PRATT.

For Committee.

Mr. Hardy moved the adoption of the reported Rules.

Mr. Mandeville moved to amend Rule Forty-Two by striking out the words "and may appoint the Porters and Pages of the Senate."

Adopted.

Mr. Mandeville moved to lay the entire report on the table.

Lost.

Mr. Curtis moved to strike out the words "at once" from the proposed Rule Number Nineteen, and insert "a future day."

On adopting the motion, the ayes and noes were demanded, by Messrs. Lewis, Pearce, and Johnson, and it was lost, by the following vote:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

Mr. Mandeville moved to strike out the proposed alteration to Rule Nineteen, and insert the same rule as governed the last Senate in relation to the formation of committees.

Messrs. Pearce, Mandeville, and Freeman, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

The ayes and noes were again demanded on adopting the report, by Messrs. Pearce, Mandeville, and Lewis, and it was adopted, by the following vote:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Pearce, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—22.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pendergast, Rose, Saunders, and Shaw—17.

Mr. Pearce, having voted in the affirmative, gave notice of a motion to reconsider, which he withdrew at a subsequent stage of the session.

ELECTION OF OFFICERS.

Mr. Hardy offered the following resolution:

Resolved, That the Senate do now proceed to the election of officers, in the following order:

1. President pro tem.
2. Secretary of the Senate.
3. Assistant Secretary of the Senate.
4. Sergeant-at-Arms.
5. Assistant Sergeant-at-Arms.
6. Minute Clerk.
7. Journal Clerk.
8. Engrossing Clerk.
9. Enrolling Clerk.
10. Two Copying Clerks.

It being adopted, the President announced the first business in order to be the election of a President pro tem.

FOR PRESIDENT PRO TEM.

Mr. Hardy nominated the Hon. Lansing B. Mizner.

Mr. Lewis nominated the Hon. James W. Mandeville.

The Senate proceeded to ballot, with the following result:

Names.	Mizner.	Mandeville.
Banning.....	1	.....
Beach.....	1	.....
Belden.....	1	.....
Bradley.....	1	.....
Chappell.....	1	.....
Conly.....	1	.....
Conn.....		1
Curtis.....		1
Ewer.....	1	.....
Freeman.....		1
Green.....	1	.....
Hager.....		1
Hardy.....	1	.....
Heacock.....	1	.....
Hunter.....		1
Johnson.....		1
Kincaid.....		1
Lawrence.....		1
Lewis.....		1
McDougall.....		1
Morrill.....		1
Murch.....	1	.....
Murphy.....		1
Pearce.....		1
Pendegast.....		1
Perley.....	1	.....
Pratt.....	1	.....
Roberts.....	1	.....
Robinson.....	1	.....
Rose.....		1
Saunders.....		1
Shaw.....		1
Teegarden.....	1	.....
Tubbs.....	1	.....
Tweed.....	1	.....
Wadsworth.....	1	.....
Wolcott.....	1	.....
Totals.....	20	17

Whole number of votes cast.....39
Necessary to a choice.....20

Mr. Mizner voted for Mr. Hardy.

Mr. Mandeville voted for Mr. Freeman.

Mr. Mizner, having received a majority of all the votes cast, was declared duly elected President pro tem. of the Senate.

FOR SECRETARY.

Mr. Mandeville nominated Joseph R. Beard.

Mr. Wolcott nominated John White.

The Senate balloted, with the following result:

Names.	White.	Beard.
Banning	1	
Beach	1	
Belden	1	
Bradley	1	
Chappell	1	
Conly	1	
Conn		1
Curtis		1
Ewer	1	
Freeman		1
Green	1	
Hager		1
Hardy	1	
Heacock	1	
Hunter		1
Johnson		1
Kincaid		1
Lawrence		1
Lewis		1
Mandeville		1
McDougall		1
Mizner	1	
Morrill		1
Mureh	1	
Murphy		1
Pearce		1
Pendegast		1
Perley	1	
Pratt	1	
Roberts	1	
Robinson	1	
Rose		1
Saunders		1
Teegarden	1	
Tubbs	1	
Tweed	1	
Wadsworth	1	
Wolcott	1	
Totals	21	17

Whole number of votes cast.....38

Necessary to a choice.....20

John White, having received a majority of all the votes cast, was declared duly elected Secretary of the Senate.

FOR ASSISTANT SECRETARY.

Mr. Murch nominated Wilbur F. Huestis.

Mr. Pendegast nominated C. E. Fisher.

The roll was called, and the result was the following:

Names.	Huestis.	Fisher.
Banning	1	.....
Beach	1	.....
Belden	1	.....
Bradley	1	.....
Chappell	1	.....
Conly	1	.....
Conn		1
Curtis		1
Ewer	1	.....
Freeman		1
Green	1	.....
Hager		1
Hardy	1	.....
Heacock	1	.....
Hunter		1
Johnson		1
Kincaid		1
Lawrence		1
Lewis		1
Mandeville		1
McDougall		1
Mizner	1	.....
Morrill		1
Murch	1	.....
Murphy		1
Pearce		1
Pendegast		1
Perley	1	.....
Pratt	1	.....
Roberts	1	.....
Robinson	1	.....
Rose		1
Saunders		1
Shaw		1
Teegarden	1	.....
Tubbs	1	.....
Tweed	1	.....
Wadsworth	1	.....
Wolcott	1	.....
Totals	21	18

Whole number of votes cast.....39

Necessary to a choice.....20

Mr. Huestis, having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate.

FOR SERGEANT-AT-ARMS.

Mr. Heacock placed in nomination F. S. Lardner.

Mr. Hager placed in nomination Nat. Boice.

The roll was again called, with the following result :

Names.	Lardner.	Boice.
Banning	1	.....
Beach	1	.....
Belden.....	1	.....
Bradley.....	1	.....
Chappell.....	1	.....
Conly	1	.....
Conn.....	.....	1
Curtis.....	.....	1
Ewer.....	1	.....
Freeman.....	.....	1
Green.....	1	.....
Hager.....	.....	1
Hardy.....	1	.....
Heacock.....	1	.....
Hunter.....	.....	1
Johnson.....	.....	1
Kincaid.....	.....	1
Lawrence.....	.....	1
Lewis .....	.....	1
Mandeville.....	.....	1
McDougall.....	.....	1
Mizner.....	1	.....
Morrill.....	.....	1
Murch.....	1	.....
Murphy.....	.....	1
Pearee.....	.....	1
Pendegast.....	.....	1
Perley.....	1	.....
Pratt.....	1	.....
Roberts.....	1	.....
Robinson.....	1	.....
Rose .....	.....	1
Saunders.....	.....	1
Shaw .....	.....	1
Teegarden.....	1	.....
Tubbs.....	1	.....
Tw Weed.....	1	.....
Wadsworth.....	1	.....
Wolcott.....	1	.....
Totals.....	21	18

Whole number of votes cast.....39
 Necessary to a choice.....20

Mr. Lardner, having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms of the Senate.

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Green nominated Timothy Mahoney.

Mr. Hager nominated J. J. Thomas.

A ballot was then taken, with the following result :

Names.	Mahoney.	Thomas.
Banning	1	
Beach	1	
Belden.....	1	
Bradley	1	
Chappell.....	1	
Conly	1	
Conn		1
Curtis		1
Ewer	1	
Freeman		1
Green	1	
Hager.....		1
Hardy	1	
Heacock	1	
Hunter		1
Johnson		1
Kincaid.....		1
Lawrence		1
Lewis.....		1
Mandeville.....		1
McDougall.. ..		1
Mizner.....	1	
Morrill		1
Murch	1	
Pearce.....		1
Pendegast.....		1
Perley	1	
Pratt.....	1	
Roberts.....	1	
Robinson	1	
Rose		1
Saunders.....		1
Shaw		1
Teegarden	1	
Tubbs	1	
Tweed	1	
Wadsworth	1	
Wolcott.....	1	
Totals.	21	17

Whole number of votes cast.....38

Necessary to a choice.....20

Mr. Mahoney, having received a majority of the votes cast, was declared duly elected Assistant Sergeant-at-Arms of the Senate.

FOR MINUTE CLERK.

Mr. Rose nominated J. B. Stevens.

Mr. Perley nominated C. E. Barnes.

A ballot was taken, which resulted as follows :

Names.	Stevens.	Barnes.
Banning.....	1	.....
Beach.....	1	.....
Belden.....	1	.....
Bradley.....	1	.....
Chappell.....	1	.....
Conly.....	1	.....
Conn.....	.....	1
Curtis.....	.....	1
Ewer.....	1	.....
Green.....	1	.....
Hager.....	.....	1
Hardy.....	1	.....
Heacock.....	1	.....
Hunter.....	.....	1
Johnson.....	.....	1
Kincaid.....	.....	1
Lawrence.....	.....	1
Lewis.....	.....	1
Mandeville.....	.....	1
McDougall.....	.....	1
Mizner.....	1	.....
Murch.....	1	.....
Murphy.....	.....	1
Pearce.....	.....	1
Pendegast.....	.....	1
Perley.....	1	.....
Pratt.....	1	.....
Roberts.....	1	.....
Robinson.....	1	.....
Rose.....	.....	1
Saunders.....	.....	1
Shaw.....	.....	1
Teegarden.....	1	.....
Tubbs.....	1	.....
Tweed.....	1	.....
Wadsworth.....	1	.....
Wolcott.....	1	.....
Totals.....	21	16

Whole number of votes cast.....36
 Necessary to a choice.....19

Mr. Barnes, having received a majority of all the votes, was declared duly elected Minute Clerk of the Senate.

FOR JOURNAL CLERK.

Mr. Pearce nominated T. H. Pyatt.

Mr. Pratt nominated John E. Dent.

The roll was called, with the following result :

Names.	Dent.	Pyatt.
Banning	1	.....
Beach	1	.....
Belden	1	.....
Bradley	1	.....
Chappell	1	.....
Conly	1	.....
Curtis .....	.....	1
Ewer	1	.....
Freeman .....	.....	1
Green	1	.....
Hager .....	.....	1
Hardy	1	.....
Heacock	1	.....
Hunter .....	.....	1
Johnson , .....	.....	1
Kincaid .....	.....	1
Lawrence .....	.....	1
Lewis .....	.....	1
Mandeville .....	.....	1
McDougall .....	.....	1
Mizner	1	.....
Morrill .....	.....	1
Murch	1	.....
Murphy .....	.....	1
Pearce .....	.....	1
Pendegast .....	.....	1
Perley	1	.....
Pratt	1	.....
Roberts	1	.....
Robinson	1	.....
Rose. ....	.....	1
Saunders .....	.....	1
Shaw .....	.....	1
Teegarden	1	.....
Tubbs	1	.....
Tweed	1	.....
Wadsworth	1	.....
Wolcott	1	.....
Totals	21	17

Whole number of votes cast.....38
Necessary to a choice.....20

Mr. Dent having received a majority of all the votes, was declared duly elected Journal Clerk of the Senate.

FOR ENGROSSING CLERK.

Mr. Wadsworth nominated W. H. Frink.

Mr. Lewis nominated B. D. Anderson.

The result of the ballot was as follows:

Names.	Frink.	Anderson.
Banning.....	1	
Beach.....	1	
Belden.....	1	
Bradley.....	1	
Chappell.....	1	
Conly.....	1	
Curtis.....		1
Ewer.....	1	
Freeman.....		1
Green.....	1	
Hager.....		1
Hardy.....	1	
Heacock.....	1	
Hunter.....		1
Johnson.....		1
Kincaid.....		1
Lawrence.....		1
Lewis.....		1
Mandeville.....		1
McDougall.....		1
Mizner.....	1	
Morrill.....		1
Murch.....	1	
Murphy.....		1
Pearce.....		1
Pendegast.....		1
Perley.....	1	
Pratt.....	1	
Roberts.....	1	
Robinson.....	1	
Rose.....		1
Saunders.....		1
Shaw.....		1
Tee garden.....	1	
Tubbs.....	1	
Tweed.....	1	
Wadsworth.....	1	
Wolcott.....	1	
Totals.....	21	17

Whole number of votes cast.....28
Necessary to a choice.....20

Mr. Frink having received a majority of all the votes, was declared duly elected Engrossing Clerk of the Senate.

FOR ENROLLING CLERK.

Mr. Johnson nominated Samuel Ruling.

Mr. Bradley nominated W. L. Hawkins.

A ballot was taken, which resulted as follows :

Names.	Hawkins.	Ruling.
Banning	1	.....
Beach	1	.....
Belden.....	1	.....
Bradley.....	1	.....
Chappell.....	1	.....
Conly	1	.....
Conn.....		1
Curtis.....		1
Ewer.....	1	.....
Freeman ..		1
Green	1	.....
Hager.....		1
Hardy.....	1	.....
Heacock ..	1	.....
Hunter.....		1
Johnson ..		1
Kincaid ..		1
Lawrence ..		1
Lewis		1
Mandeville.....		1
McDougall ..		1
Mizner	1	.....
Morrill		1
Murch	1	.....
Murphy.....		1
Pearce		1
Pendegast.....		1
Perley	1	.....
Pratt.....	1	.....
Roberts.....	1	.....
Robinson ..	1	.....
Rose		1
Saunders.....		1
Shaw		1
Teegarden.....	1	.....
Tubbs.....	1	.....
Tweed	1	.....
Wadsworth ..	1	.....
Wolcott.....	1	.....
Totals.....	21	18

Whole number of votes cast39
 Necessary to a choice20

Mr. Hawkins having received a majority of all the votes cast, was declared duly elected Enrolling Clerk of the Senate.

FOR COPYING CLERKS.

Mr. Wolcott nominated A. W. Perley and B. S. Marston.

Mr. Morrill nominated A. J. Hall and D. R. Symes.

The roll was called, with the following result :

Names.	Perley.	Marston.	Hall.	Symes.
Banning	1	1		
Beach	1	1		
Belden	1	1		
Bradley	1	1		
Chappell.....	1	1		
Conly.....	1	1		
Conn			1	1
Curtis.....			1	1
Ewer.....	1	1		
Freeman.....			1	1
Green	1	1		
Hager			1	1
Hardy	1	1		
Heacock	1	1		
Hunter			1	1
Johnson			1	1
Kincaid			1	1
Lawrence.....			1	1
Lewis			1	1
Mandeville.....			1	1
McDougall			1	1
Mizner.....	1	1		
Morrill.....			1	1
Murch	1	1		
Murphy.....			1	1
Pearce.....			1	1
Pendegast.....			1	1
Perley.....	1	1		
Pratt.....	1	1		
Roberts	1	1		
Robinson	1	1		
Rose			1	1
Saunders			1	1
Shaw.....			1	1
Teegarden	1	1		
Tubbs	1	1		
Tweed	1	1		
Wadsworth	1	1		
Wolcott	1	1		
Totals.....	21	21	18	18

Whole number of votes cast.....	39
Necessary to a choice.....	20

Messrs. Perley and Marston, having received each a majority of the votes, were declared duly elected Copying Clerks of the Senate.

RESOLUTIONS.

Mr. Heacock offered the following series of resolutions :

Resolved, That the Rev. J. S. McDonald be and he is hereby appointed Chaplain of the Senate, and that he be allowed the sum of five dollars per day, payable out of the Contingent Fund of the Senate.

Resolved, That George W. Dixon be and he is hereby appointed Assistant Clerk at the desk, and that he be allowed the same per diem as the Secretary of the Senate, payable out of the Contingent Fund of the Senate.

Resolved, That R. G. Harris be and he is hereby appointed Night Watchman of the Senate, and that he be allowed the same per diem as the Porter, payable out of the Contingent Fund of the Senate.

Resolved, That George W. Whitlock be and he is hereby appointed Fireman of the Senate, and that he be allowed the same per diem as the Porter, payable out of the Contingent Fund of the Senate.

Resolved, That Edwin C. Clarke be and he is hereby appointed Messenger of the Senate, and that he be allowed the same per diem as the Porter, payable out of the Contingent Fund of the Senate.

Mr. Shaw moved to strike out the name of Rev. J. S. McDonald from the first resolution, and insert Rev. H. P. Gallagher.

The ayes and noes were demanded, on the motion to strike out, by Messrs. Shaw, Perley, and Lawrence, and the Senate refused to strike out, by the following vote :

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

Mr. Mandeville moved to strike out all after the first resolution, and again the Senate refused, by the following vote, the ayes and noes being demanded, by Messrs. Rose, Lewis, and Bradley :

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—17.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

On adopting the first resolution, Messrs. Mandeville, Lewis, and Lawrence, demanded the ayes and noes, and the Senate adopted it, by the following vote :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Rose, and Shaw—16.

On adopting the second resolution, the ayes and noes were demanded, by Messrs. Pearce, Mandeville, and Freeman, and it was adopted, by the following vote :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—17.

The third and fourth resolutions were adopted *viva voce*.

On adopting the fifth, the ayes and noes were again demanded, by Messrs. Pearce, Mandeville, and Rose, the question being on the motion of Mr. Ewer, to strike out the word "Porter."

The Senate adopted the amendment, by the following vote :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—17.

Mr. Pearce asked leave to withdraw his notice of a motion to reconsider the vote whereby the Senate adopted the report of the Committee on Rules; and also that if leave were granted, he might also be allowed to be recorded as having voted negatively on the motion to adopt the report of the committee.

Leave granted.

There being no further business, the Senate, at two o'clock and fifty minutes, P. M., on motion of Mr. Mandeville, adjourned.

T. N. MACHIN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Wednesday, December 4th, 1867. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

OFFICERS AND ATTACHÉS QUALIFIED.

The organization of the Senate was completed by the following elected officers assuming the duties of their respective positions, the oath of office in each instance being administered by Lieutenant Governor Machin :

President pro tem.....	L. B. Mizner.
Secretary.....	John White.
Assistant Secretary	Wilbur F. Huestis.
Sergeant-at-Arms.....	F. S. Lardner.
Assistant Sergeant-at-Arms.....	T. Mahoney.
Minute Clerk.....	C. E. Barnes.
Journal Clerk.....	John E. Dent.
Engrossing Clerk.....	W. H. Frink.
Enrolling Clerk.....	W. L. Hawkins.
Copying Clerks.....	A. W. Perley and B. S. Marston.
Assistant Clerk at the desk.....	George W. Dixon.

RESOLUTIONS.

Mr. Ewer offered the following resolution :

Resolved, That the Senate Standing Committee on Mileage be and consist of Senators Heacock, Conly, and Pearce.

Resolved. That the Senate Standing Committee on Printing consist of Senators Roberts, Hardy, and Shaw.

Mr. Mandeville called for a division of the resolution, and it being ordered, on adopting the Standing Committee on Mileage, the ayes and noes were demanded, by Messrs. Lawrence, Pearce, and Lewis, with the following result :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

Mr. Pratt had leave to be recorded as being present at roll call.

Mr. Hardy offered the following resolution :

Resolved, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized, and ready to proceed with legislative business, with the officers above named.

Adopted.

Mr. Ewer offered the following resolution :

Resolved, That the Sergeant-at-Arms of the Senate be authorized to appoint a Clerk, who shall receive the same per diem as the Copying Clerks, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Heacock offered a concurrent resolution for the appointment of a joint committee of three from each House to wait upon His Excellency, Governor Low, and inform him of their organization, and readiness to proceed with business.

The resolution was adopted, and the President appointed Messrs. Heacock, Belden, and Pearce, a committee on the part of the Senate.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

HOUSE OF ASSEMBLY,
Sacramento, December 14th, 1867. }

Mr. PRESIDENT:—I am instructed to inform your honorable body that the House on this day organized by the election of the following named officers:

Speaker	C. T. Ryland.
Speaker pro tem.....	J. J. O'Malley.
Chief Clerk.....	John A. Eagan.
Sergeant-at-Arms	John K. Luttrell.
Assistant Clerk.....	W. S. Byrne.
Minute Clerk	Newton Benedict.
Enrolling Clerk.....	D. F. Beveridge.
Engrossing Clerk.....	R. M. Clarkin.
Journal Clerk.....	H. G. Sieberst.
Copying Clerks.....	W. S. Cooper and J. De la Guerra.
Assistant Sergeant-at-Arms.....	Wm. H. Peterson.
Chaplain.....	T. H. B. Anderson.

And also to inform your honorable body that the House is now ready to proceed to business.
M. D. BORUCK, Clerk.

Mr. Conly gave notice of the introduction of a bill to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, the Acts supplemental thereto and amendatory thereof.

At thirty minutes past eleven o'clock the Senate took a recess.

RE-ASSEMBLED.

At one o'clock the Senate re-assembled.

President in the chair.

Roll called.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
December 4th, 1867. }

Mr. PRESIDENT:—The Assembly concur in Senate resolution No. 1, appointing a committee of three to inform the Governor of the organization of the Legislature; and in accordance therein the Speaker has appointed Messrs. Brown, O'Malley, and Lupton, as such committee.

WM. S. BYRNE,
Assistant Clerk.

Mr. Hager had leave to introduce a concurrent resolution providing for a Joint Convention for canvassing the votes for Governor.

Mr. Heacock made the following report :

Mr. PRESIDENT :—The special committee appointed to wait on the Governor and inform him of the organization of the Legislature, have discharged the duty assigned them, and report that his Excellency will send in his biennial message, at two o'clock of this day.

HEACOCK,
BELDEN,
GEO. PEARCE,
Senate Committee.
LUPTON,
BROWN,
O'MALLEY,
Assembly Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT. }
Sacramento, December 4th, 1865. }

To the Honorable Senate of California :

I herewith transmit to your honorable body my second biennial message.

There being but one copy of the several documents, I would respectfully ask that the Assembly be informed of their receipt by the Senate.

FRED'K F. LOW,
Governor.

GOVERNOR'S MESSAGE.

The following message and accompanying documents were received :

GENTLEMEN OF THE SENATE AND ASSEMBLY :

After an interval of two years, you, as the representatives of the people, are again assembled for the purpose of enacting such laws as the public interests may seem to require, and such as may be necessary to maintain individual rights ; to secure public order and tranquillity, and to promote the well being and happiness of the people of this State. To the end that you may be placed in possession of information to aid you in your legislative duties, the Constitution requires the Executive to communicate to the Legislature at the beginning of each session the condition of the State, and to make such suggestions and recommendations as may appear to be for the public good.

FINANCES.

The financial condition of the State is highly satisfactory, and the speedy liquidation of the public debt is now an assured fact, if prudence and economy be practiced by the Legislature in the matter of appropriations. During the last two years the demands upon the Treasury have been large, to liquidate claims of an extraordinary character—bounty and extra pay due to volunteers—in addition to the ordinary expenses of the State. The Legislature at its last session reduced the rate of taxation for the General Fund, eighteen cents on the one hundred dollars of assessable property, yet notwithstanding this, and the extra drain alluded to above, all warrants have been paid in cash when presented. There is now a large balance in the Treasury, with nearly the entire tax of the present year still to be paid in.

From the reports of the Controller and Treasurer, which accompany this, you will be able to ascertain the operations of their respective departments during the past two years. It will be seen from these reports that the total funded debt of the State is five million one hundred and twenty-six thousand five hundred dollars, (\$5,126,500.) This amount covers the entire debt of the State with the exception of warrants drawn upon the Capitol Fund, which will be paid from taxes already collected for the current fiscal year, and swamp land warrants, drawn for reclamation of lands in particular districts, which must be paid from the proceeds of sales of lands and taxes levied in those particular districts. Neither of these classes of warrants can in any proper sense be counted a State debt.

In January, eighteen hundred and sixty-four, in a special message to the Legislature, I estimated the debt and liabilities of the State to be five million three hundred and sixty-five thousand six hundred and forty dollars and seventy-one cents, (\$5,365,640 71,) from which should be deducted an appropriation made for the deaf, dumb, and blind, of seventy-five thousand dollars, (\$75,000,) which was not expended; this left the sum of five million two hundred and ninety thousand six hundred and forty dollars and seventy-one cents (\$5,290,640 71) as the actual indebtedness of the State at that date. Since then there have been paid for extraordinary purposes:

For relief and bounty to California volunteers.....	\$2,036,106 62
For constructing additional buildings at Insane Asylum...	184,165 28
For constructing additional buildings at State Prison.....	78,233 89
For purchase of land and erection of new buildings for the deaf, dumb, and blind.....	50,000 00
For amount expended in construction of State Capitol.....	426,357 12
For redemption of old Indian War Bonds, not included in the statement of debt.....	32,500 00
	<hr/>
	\$2,807,362 91

Amounting in all to the sum of two million eight hundred and seven thousand three hundred and sixty-two dollars and ninety-one cents, (\$2,807,362 91). Notwithstanding these payments for extraordinary purposes, the total debt is now less by one hundred and sixty-four thousand one hundred and forty dollars and seventy-one cents (\$164,140 71) than it was four years ago. As a large proportion of these extraordinary demands upon the Treasury grew out of the late civil war, no provision need be made for such claims in the future. With the exercise, therefore, of ordinary prudence by the law-making power, the annual tax for the General Fund can be further reduced ten cents on the one hundred dollars. The resources, applicable to the payment of interest, and the creation of Sinking Funds, will fully liquidate the entire debt of the State within the next ten years.

The Controller makes valuable suggestions concerning the equalization of the assessments of property throughout the State by a Board appointed for that purpose, and in regard to lessening the cost of assessing and collecting the revenue of the State, which I commend to your consideration, that the evils complained of may be remedied.

SECRETARY OF STATE.

From the report of the Secretary of State you will obtain all the necessary information concerning his department. Under the supervision of the present incumbent of that office the scattered archives of the State have been gathered together, arranged, filed, and labelled in an appropriate manner. The official records of the State, from its organization, now present an orderly appearance, and it should be made the duty of all future incumbents of that office to cause the documents and papers of which he is the custodian to be filed in like manner and form.

The Secretary recommends that copies of the Great Registers of all the counties be lodged in his office; the suggestion appears to me wise and proper, and I fully concur therein. He also recommends that the County Auditor of each county be required annually to prepare a statement, which shall be verified by his oath, setting forth the financial condition of his county; stating in detail the amount of funded debt, scrip, or warrants, and all indebtedness of every kind that may be outstanding, together with the cash on hand and the rate of taxation for county purposes. These statements should, I think, be filed in the office of the Controller of State, and embraced in the biennial report of that officer.

I commend this matter to the especial attention of the Legislature, and trust that it may be favorably received and acted upon.

ATTORNEY-GENERAL.

For correct and detailed information relative to such litigation as the State is interested in, I refer you to the report of the Attorney-General, in whom the State has found a faithful officer, and criminals and those who would deprive the State of its property without giving adequate compensation, a determined opponent.

The suggestions and recommendations contained in the report I commend to your favorable consideration, particularly those referring to the Practice Act. The recommendation that any proposed amendments to these laws be first submitted to the Judges of the Supreme Court was made to and acted upon, by the last Legislature, with good results. I trust the present Legislature will follow the prudent example thus set.

The opinions expressed by the Attorney-General in regard to the giving of evidence in Courts of justice are sound, and I fully concur in the wisdom thereof. Open the door wide for the admission of evidence, and let the jury be allowed unrestricted latitude in judging of its *quality*. In a large majority of cases, where criminals are convicted of murder in the first degree—the highest crime known to the law—the verdict of the jury is found upon circumstantial evidence, either wholly or in part. If the barking of a dog may be considered in a chain of evidence which is to deprive a mortal of life, what reason can be assigned for excluding any human being from the witness stand in cases of assault and battery? The age when it was supposed a person could not be relied upon to testify to the truth unless his religious belief accorded with public sentiment, and when it was supposed a butcher valued human life too lightly to sit on a jury, has passed away; and I earnestly invoke your attention to the matter herein suggested, that all relics of the dark ages may be swept from the statute books.

STATE LANDS

The report of the Surveyor-General contains complete information concerning the lands belonging to the State, a subject of great impor-

tance to the people, and one of which Legislatures hitherto seem to have had a very imperfect idea. The title, vested in the State by various Acts of Congress to millions of acres of school lands, as well as to the swamp and overflowed lands within its boundaries, has not until the present year been officially recognized by the Executive Department of the Federal Government, in any form which would give assurance to purchasers from the State that a valid and complete title could be obtained. The Act of Congress so fully described in the report, passed at the last session, and the intelligent rulings and instructions of the Commissioner of the General Land Office, promise an early settlement of these difficulties, provided the State authorities use due diligence in pressing the matter to final consummation. The amounts of land already listed over to the State under the several Congressional grants are as follows:

Five Hundred Thousand Acre Grant.....	201,318 ⁸⁵ / ₁₀₀ acres
Swamp Land Grant.....	324,678 ⁰⁹ / ₁₀₀ acres
Public Building Grant.....	1,283 ⁸⁰ / ₁₀₀ acres

Lists have been prepared and forwarded for about one million acres more, for which, title will probably be passed to the State within a few months.

For the confused state of our land matters, the State is largely responsible, consequent upon the passage of Acts authorizing sales of lands in manner and form contrary to the rules and regulations laid down by the Land Department. Indeed it would seem that former Legislatures had endeavored, by the various Acts relative to the sale of land, to devise and carry into execution, plans "how not to do it." I earnestly invoke your careful attention to the suggestions contained in the report touching the repeal and modification of certain land laws of the State, calculated to obviate these difficulties.

SWAMP AND OVERFLOWED LANDS.

The swamp and overflowed lands were granted by the Act of Congress of September twenty-eighth, eighteen hundred and fifty, to the States in which they were situated, on the condition, that the proceeds of the sales should be exclusively devoted to the reclamation of the lands. This State has made various experiments, trying to devise a proper plan for doing this work, but as yet these experiments must, I think, be set down as failures. The modes adopted for reclamation have proven to be unwise and inadequate for the purpose, and the money expended has in the main been squandered. No comprehensive plan for the reclamation of these lands has ever been devised, and without such a plan, all attempts at reclamation will meet with but partial success, if they do not result in complete failures. Under existing laws, the portions of the State in which the swamp lands are situated are divided into districts. The Board of Supervisors of the county, in which the larger proportion of the land in any particular district is located, are made Commissioners for reclamation, and the proceeds of all lands sold, and all reclamation taxes levied, within such district, are paid into the State Treasury to the credit of the District Fund, to be drawn against for payment of reclamation. It is also provided in the present law that

all the swamp land unsold, and all reclamation taxes *as soon as they are levied* shall be considered *assets*, and the Commissioners are authorized to contract liabilities to the full amount of the value of these unsold lands at the rate of one dollar per acre, and the taxes uncollected.

The result of this is, that nearly every district is burdened with a large debt, and Controller's warrants of this character have been selling at a large discount, in some instances below half of their par value. That such a state of things should not be allowed to continue seems certain, and yet under existing circumstances it is not easy to suggest the proper remedy. The only feasible plan that presents itself for adoption by the Legislature at this time is, to repeal so much of the law as constitutes unsold lands and uncollected taxes assets; which will prohibit the Boards of Supervisors from contracting liabilities for reclamation beyond the proceeds of *lands sold* and *taxes collected*. The credit of the State, as well as the protection of such persons as are interested in the ownership of these lands, require that some such remedy as this be applied at once.

AGRICULTURAL COLLEGE GRANT.

The limitations and restrictions contained in the Agricultural College grant of one hundred and fifty thousand acres, prohibiting the State from making selections of lands other than those that are subject to private entry at one dollar and twenty-five cents per acre, practically nullifies the grant. Either relief must be sought from Congress in the way of repeal of the restrictions, or efforts must be made to induce the President to offer a large amount of land at public sale, if we are to realize anything like the estimated value of this donation.

SALT MARSH AND TIDE LANDS.

The several Acts of the Legislature authorizing the sale of this class of lands prohibit the disposition of such as are located within five miles of San Francisco and Oakland, and one and a half miles of the State Prison at San Quentin. Early in the year eighteen hundred and sixty-four, certain parties caused surveys to be made of large tracts of these lands in the vicinity of San Francisco and Oakland, obtained certificates as to the proper location, made payment of *one dollar per acre*, and through the Surveyor-General applied for patents. These patents I declined to issue, upon the ground that the lands thus located were within the reservations mentioned in the several Acts. The Attorney-General, in his report, presents a detail of the attempts of claimants to obtain possession of portions of these lands, and the legal proceedings instituted for protecting the interests of the State.

The decision of the Supreme Court of the United States, in the case of *O'Neil v. Kirkpatrick*, demonstrates beyond peradventure, that the locations are invalid, and that the parties have neither legal nor equitable title. I therefore recommend that the State Harbor Commissioners be authorized and instructed, to cause a survey to be made by a Board of competent engineers and surveyors, of the tide lands between the present water front of San Francisco and Hunter's Point, which can be made available for business purposes without injury to navigation, and with due regard to the drainage of the city. Upon completion of the survey, maps should be made, dividing the property into lots of convenient size, and after advertising for a proper length of time, these lots should be sold at auction to the highest bidder for cash or on credit; one half of the net

proceeds to go into the State School Fund, to be invested in the same manner as the proceeds of sales of school lands, and the other moiety be paid into the State Treasury, to the credit of the San Francisco Harbor Protection Fund. If this be done, the lands will be occupied and improved as rapidly as the wants of business will require them; a permanent water front will be established; education will be promoted, and an increased impetus given to the building of the sea wall now in course of construction; and, moreover, a perplexing and corrupting question will be removed from the halls of legislation. All this will be accomplished without injury or damage to any one, except those who, by legal technicalities and quibbles, attempted to get possession of valuable property of the State without giving any equivalent in return.

I trust there will be no delay in making the appropriations asked for by the Surveyor-General, to pay for extra clerk hire and for services rendered by the United States land officers, mentioned in his report.

STATE CAPITOL.

Since my last biennial message, satisfactory progress has been made in the construction of the new State Capitol. The Legislature at its last session doubled the annual tax—making it one mill—which has greatly facilitated the progress of the work. The prospect of a completion of the work at no distant day, is now assured, if the present annual appropriation be continued, of the advisability of which I entertain no doubt.

The original design of the building, contemplated the construction of the first or basement story in granite, and all above that, in brick and iron. The negative action of the last Legislature, would have perhaps warranted the Commissioners in changing this original design, and in continuing the use of granite for all the exterior walls. This change, which the Commissioners did not feel justified in making, would have involved a largely increased outlay, and consumed many years additional time in the construction of the building. If there should be found persons who complain at the action of the Commissioners, I desire to assume and bear my full share of the responsibility as one of the members of the Board.

Unusual progress has been made upon the building during the year eighteen hundred and sixty-seven, and I trust no material change will be made in the present design or mode of construction. If the Commissioners are allowed to carry out the plan of action they have adopted, the Legislature of eighteen hundred and sixty-nine and seventy should find accommodations in the new building, and the appropriations of the two following years should advance the structure and surrounding grounds to entire completion.

INSANE ASYLUM.

The reports of the Directors, Medical Visitors, and Resident Physician of the Insane Asylum, herewith transmitted, are replete with interesting facts and statistics bearing upon the management of that institution.

It is painful to observe that the carefully prepared tables of the Resident Physician, show a constant increase in the number of this unfortunate class of persons, greatly disproportioned to the supposed increase of the whole population of the State. That officer discusses in his report the causes of insanity, and draws largely upon the reports and writings

of eminent men, on this terrible malady. His conclusions are suggestive and instructive, and I commend his report to the careful perusal of members of the Legislature, as well as to all who sympathize with the afflicted and are interested in the well-being of society.

The management of the Asylum, during the two years just past, has been unexceptionable. The funds appropriated for the support of this charity, have been wisely and economically expended, and humanity, kindness and skill, have been displayed by those to whom the care of this class of unfortunates has been committed. The Directors, in view of the annual increase of patients, ask that the appropriations for the next two years may be increased two thousand dollars per month, making the appropriation twelve thousand dollars per month instead of ten thousand dollars, as at present. They also earnestly recommend that the annual tax of three cents upon the one hundred dollars of taxable property in the State be continued, to enable them to increase the accommodations of the patients. The request made to several preceding Legislatures is repeated, that each county should be obliged to make provision for its paupers, which would relieve the Asylum from the care of many persons who find their way thither under the existing order of things.

STATE PRISON.

The Board of Directors of the State Prison, deeming it necessary to include the operations of that institution for the month of November in their report, it will not be presented to the Legislature at this time; nor have I the data which it will contain on which to base specific recommendations. My general knowledge, however, of the workings of the Prison, gathered from actual observation during my term of office, enables me to give you some general statements concerning it.

During the four years, in which by virtue of my office, I have shared in its general control and direction, every effort has been made by the Board of Directors to safely keep the inmates; to practice the greatest economy in the cost of maintenance compatible with the health and comfort of the prisoners; to see that the sick were properly cared for; to utilize the labor of the prisoners in such manner as to increase their earnings as much as possible, and to do all that the scant opportunity permitted, to make the Prison a reformatory as well as a penal institution. I am happy in being able to say that in all these measures, success, complete or partial, has been attained. The prisoners have been securely kept; the expenses, though large, have been indispensably necessary; no complaints have reached me of inattention to the sick; the receipts from convict labor have been considerably increased over those of former years, and some improvement has been made in the discipline of the Prison. While this is all true, there is great need of further reforms before it will be what the good of society requires. To accomplish these, a considerable expenditure of money is necessary—more than the Legislature will probably be willing to appropriate or the people to sanction.

With seven hundred prisoners already there, and the number constantly increasing, the accommodations provided for the inmates are wholly inadequate. The shops are so badly constructed and illy arranged, that it is impossible to find contractors to employ the labor at prices which would appear just and reasonable. Hence the Directors have been obliged to accept such prices as contractors would be willing to pay, and even then, there has been a surplus of prisoners for whom

no employment could be found, except in the manufacture of bricks during the dry season. With the present quarters, it is practically impossible to classify the convicts, and until this is done, all attempts at reformation will meet with but partial success.

The present Board have during their term, built three hundred and ninety-six new cells, which have afforded some relief, but the remarkable increase in the number of prisoners, has almost kept pace with the increased accommodations, so that at the end of four years, the Prison is but little better off in this regard than at the beginning. The result of my observations and investigations into this matter leads to the belief, and so believing I give it as my deliberate judgment, that no radical reform can be made in the Prison as it now exists; and the Legislature should direct itself to the task of seeking out and applying the proper remedies. My opinion is, that steps should be taken to build a House of Correction at some suitable place, to which the better class of prisoners—young men, boys, and those who are under sentence for the first offence—may be removed. The shops in the old prison should be taken down before they fall down, and commodious ones, well lighted and ventilated, erected in their places. If this be done, there will be competition among contractors for the labor, and better prices will be obtained; the prisoners can be kept constantly at work under wholesome regulations, and good order and discipline will be promoted in every branch of the institution. Were I to make a suggestion as to the proper place to locate a House of Correction, I should name the eastern end of Angel Island, provided the consent of the United States could be obtained, of which I have little doubt.

The workings of the Act of eighteen hundred and sixty-four, allowing credits to prisoners for good behavior, and for faithful attention to the duties assigned them, have proved highly satisfactory. Many States have adopted the same plan, and Congress, at its last session, enacted, that United States prisoners should have similar credits.

It has been for some years a well settled belief in the minds of those having the best opportunities for acquiring information, that a large number of prisoners at San Quentin were suffering imprisonment, under unjust or unreasonably long sentences, and that the good of the State and of the prisoners so confined, would be promoted by their release. At the last session of the Legislature a bill was introduced, appointing a commission to inquire into the facts, and to take such action as might seem just and proper. The bill failed to become a law, not because any doubt existed as to the facts set forth, but for the reason, as it appeared from the discussion, that the matter could with more propriety be entrusted to the Executive, whose duty it was to correct errors and abuses of the nature alluded to. In view of this, I have within the last two years caused investigations to be made into a very large number of cases, many of which have been found deserving of clemency; this will account for some increase in the number of pardons issued over that of the previous two years.

It is a noteworthy fact, and one that affords me much satisfaction, that of all those to whom executive clemency has been extended during my term of office, the whole number have, with a single exception, given evidence that their conduct in the future will be exemplary.

The present law, constituting the Lieutenant-Governor, Resident Director and Warden of the Prison, at his option, during the recess of the Legislature, is unwise, unjust to that officer, and of no possible advantage to the State. Although not made compulsory, the practice

obtained heretofore, and the regulations at the Prison, seem to render his residence there imperative, under existing laws. I am not aware of any perceptible connection between the duties of a presiding officer of the highest deliberative body in the State, and those of a jailor or warden of a prison. I therefore recommend the modification of the present law, so as to relieve the Lieutenant-Governor from this onerous duty.

REFORM SCHOOL.

The reports of the Trustees and Superintendent of the Reform School at Marysville, accompany this. The number of youth in that institution at the date of the report was forty-three. The largest number of inmates reported at any time during the two years was fifty-four. The appropriations for the support of the Reform School amount to ten thousand dollars per year; the Trustees ask for thirty thousand dollars for the next two years, in order that they may be placed in funds to make improvements in the building, which seem to be indispensably necessary. The affairs of the school have been conducted in a highly creditable manner by those connected with it, and with the greatest possible economy. The school has been in existence long enough to test the practical operation of such an institution and enable a just estimate to be made of the good accomplished, as compared with the expense incurred. The result of my investigation is, that either there are not a sufficient number of youth in the State, whose ill deeds would justly consign them to such an institution, or the several county authorities are derelict in their duty. It is believed the latter is the true cause of the small number of inmates. But whatever be the cause, the facts are, that the benefits heretofore derived have not been commensurate with the outlay.

At the last session a bill was passed the day before adjournment, abolishing the State Reform School and providing for the transfer of the inmates to the Industrial School of San Francisco. It made no provision for the care and sale of the property belonging to the State, and in many other particulars the bill seemed defective for the proper attainment of the object desired. There being no time nor opportunity for modifying the bill, or for the passage of a supplemental one, I felt compelled to withhold my sanction.

It will be the duty of the Legislature to give attention to this subject, and if it shall be decided to abolish the institution, an Act for that purpose should be passed before the end of the session, which should provide for the disposition of property now belonging to the State and used by the school.

MILITIA.

Since the meeting of the last Legislature the entire militia force of the State has been reorganized in accordance with the provisions of the Act of April second, eighteen hundred and sixty-six—the new organization taking the name of the California National Guard.

For particulars in regard to the number, location, and strength of regiments, battalions and companies, I have to refer you to the report of the Adjutant-General, which you will receive herewith. The report contains valuable information and suggestions which commend themselves to your favorable consideration.

COMMON SCHOOLS.

As common schools lie at the very foundation of a republican government, their maintenance and care should be found among the first in importance of the varied duties of the representatives of the people. The report of the Superintendent of Public Instruction now transmitted to you, is a document worthy of a careful perusal. The statistical information contained in this report is valuable, and his suggestions and recommendations deserving of your consideration. From his statistics I gather the following:

The whole number of children in the State between the ages of five and fifteen years, is ninety-four thousand two hundred and thirteen (94,213.) of which number, ninety-two thousand two hundred and seventy-three (92,273) are white, seven hundred and nine (709) negro, and twelve hundred and thirty-one (1231) are Indians. No Indian children are enumerated except those under the guardianship of white persons. There are in the State, according to this census, fifty-five thousand and ninety-three (55,093) children under five years of age, which makes the total number under fifteen years one hundred and forty-nine thousand three hundred and six (149,306.) Of the number entitled to the privileges of schools, fifty-four thousand seven hundred and twenty six (54,726) have, during the present year, been in attendance upon the public schools, fourteen thousand and twenty-six (14,026) have attended private schools, and twenty-one thousand four hundred and eleven (21,411) have attended no school. There are one thousand and eighty-three (1,083) schools, maintained on an average, over seven months in the year, in which one thousand three hundred and eighty-nine (1,389) teachers are employed. The number of school houses in the State, is six hundred and sixteen (616,) of which number one hundred and six (106) have been erected in the year eighteen hundred and sixty-seven. During the present year, one million one hundred and sixty-three thousand three hundred and forty-eight dollars and eighty-one cents (\$1,163,348 81) have been expended for the maintenance of schools, of which sum, six hundred and ninety-six thousand one hundred and ten dollars and twenty-eight cents (\$696,110 28), were paid for teachers' salaries, and two hundred and thirty-eight thousand and seventy dollars and sixty-four cents (\$238,070 64) were expended in the purchase of sites, erection of school houses, repairs, etc.

During the four years just passed, the advancement in the cause of education in California has been exceedingly gratifying. The increase in the number attending public schools now, over those who attended in eighteen hundred and sixty-three, exceeds twenty-five thousand, a gain of eighty-six per cent in four years. Five thousand have been added to the private schools, a gain of fifty-three per cent. The number attending no school is only one thousand more now than then, a gain of scarcely six per cent. It is to be hoped that future years will mark a notable decrease in the number last named. During my term of office, the number of schools have been increased two hundred and twenty-nine (229,) employing four hundred and seventy (470) additional teachers; and the schools have been kept open an average of two additional months each year.

The total expenditures in eighteen hundred and sixty-three, were four hundred and eighty-three thousand four hundred and seven dollars and forty-nine cents, (\$483,407 49,) against one million one hundred and sixty-three thousand three hundred and forty-eight dollars and eighty-one cents, (\$1,163,348 81,) in eighteen hundred and sixty-seven, a gain

of one hundred and forty per cent. For these satisfactory results we are greatly indebted to the zeal and well directed efforts of the State Superintendent of Public Instruction, and to the wise legislation, that has of late years marked our public councils. Let us hope that the progress already made in this great cause will receive an additional impetus from those to whose care it will be confided, to the end that we may not be called upon to deplore any backward step.

The school law now on our statute books, is believed to be well adapted to the wants of the State, and I trust that no attempt to repeal or modify it, in any essential particular, will be made, and if made, that it will be unsuccessful. Schemes have been projected, which may again be renewed, to destroy practically the excellent system of education which has attained so vigorous a growth in so short a time, and upon its ruins, to build up a new system based upon sectarian beliefs and religious bigotries. The common school system, having for its object the education of the children of the State, in all branches that pertain to the practical affairs of life, and, while inculcating in the minds of the pupils the highest morality, leaving them at liberty to embrace and enjoy any religious belief which may be preferred, has stood the test of experience in the older States, since the formation of the Government. It is too well grounded in the hearts and affections of the people to be lightly considered or tampered with by any legislative body claiming to represent the people.

On the first day of November, there were in the State Treasury, bonds of the State amounting to seven hundred and forty-two thousand dollars (\$742,000) to the credit of the School Fund, yielding an annual revenue of fifty-one thousand nine hundred and forty dollars (\$51,940); this fund has been increased twenty thousand dollars (\$20,000) since the report of the Treasurer was made. The public lands donated to the State for school purposes, will, when disposed of, create an endowment for education worthy of the liberal and enlightened age in which we live. To you, the people look to jealously guard and wisely administer this legacy.

NORMAL SCHOOL.

The Normal School, which has proven such an admirable auxiliary in the older States to the cause of education, was four years ago an experiment in California. It is now in the full tide of its usefulness, and the schools are already reaping the advantage of having teachers carefully and thoroughly trained in this school.

While bestowing on it the highest praise for the good already accomplished, I earnestly commend it to you, as deserving of liberal support in the future.

AGRICULTURAL COLLEGE.

The report of the Board of Directors will give you information as to what has been done by them, under the Act of March thirty-first, eighteen hundred and sixty-six, to establish an Agricultural, Mining and Mechanical Arts College.

After a careful review of this whole matter, I am of the opinion that the law providing for the establishment of this institution should be entirely remodelled, and the aim and intent of the Legislature more clearly defined. There can be no doubt, in the mind of any person who has studied this subject, that a great want in California is an institution of learning of a high order, in which the youth of the State can be taught

the higher branches at a moderate cost. It is also apparent that the means accruing from the grant of land to the State for an Agricultural College, and also that for a "Seminary of Learning," will not be sufficient to establish and maintain a school or college, without direct aid from the State, or from individuals, or both. The restrictions contained in the Act of Congress granting lands for an Agricultural College, render it practically impossible to make the proceeds available for some time to come.

Under these circumstances, the advisable course for the State to pursue, is, to organize and put into successful operation at the earliest moment practicable, a State University upon the site selected by the Directors. The agricultural department should occupy a prominent place in the general plan of the University, and so should mining and the mechanic arts; but in its general characteristics it should combine all the higher branches usually taught in colleges.

The State University of Michigan, is by far the most successful institution of the kind in the United States. This has, in addition to the undergraduate department, schools of law, medicine, and general science. In eighteen hundred and sixty-six the total number of students was twelve hundred and five, (1,205,) of whom four hundred and sixty-seven (467) were in the medical department, three hundred and eighty-five (385) were in the law department, and three hundred and fifty-three (353) were in the department of general science. In eighteen hundred and sixty-seven the whole number had increased to between thirteen hundred and fourteen hundred. The tuition is free; the only charges being twenty-five dollars as a matriculation fee and an annual charge of ten dollars each for incidental expenses. The expenditures of the University for the year ending June thirtieth, eighteen hundred and sixty-six, were seventy-six thousand four hundred and twenty-two dollars and seventy-three cents, (\$76,422 73,) to defray which, seventeen thousand six hundred and sixty dollars (\$17,660) were received from students' fees, and the balance came from the State. From these facts and figures it is plain to be seen, how much good can be accomplished with a moderate expenditure of money.

The number of young men in California is increasing rapidly, and ample means should be provided them, for acquiring a liberal education. The State is in a condition to supply this want, and it will be neglect, little less than criminal, if the Legislature fails to do it. I would recommend that action be taken in the premises to the following effect:

First—Remodel the present law or enact an entirely new one, so as to provide for establishing a State University upon the general plan adopted in Michigan, to the support of which the proceeds of the seventy-two sections of land donated to the State for a "Seminary of Learning," and the one hundred and fifty thousand acres donated by Congress for an Agricultural College, shall be applied, according to the tenor of the Acts making the donation.

Second—Select a Board of Directors for its control and management, who live near the site of the proposed institution, so that, a portion of their time can be given without expense; and let them be men of the highest character and standing in the community.

Third—Authorize the Governor, Controller, and Surveyor-General to cause an examination to be made into the accounts of the School Land and Seminary Funds, and adjust them by transferring from the School Fund to the Seminary Fund the amount of money or bonds that may be due the latter by the former.

Fourth—Let the Legislature make a direct appropriation of money sufficient to erect buildings adequate to the wants of such an institution.

DEAF, DUMB AND BLIND.

The institution for the care and education of the deaf, dumb and blind, has performed its mission in the cause of humanity and charity, and creditably filled the place assigned to it in the organization of society. The report of the Directors and the Principal, will be laid before you, and I refer you thereto for detailed information.

Under and by virtue of the Act of March thirty-first, eighteen hundred and sixty-six, the Commissioners named by the Legislature, together with the Directors, have purchased a tract of land in Alameda County, on which a suitable building is in course of erection, which will be, when completed, admirably adapted to the purposes for which it is designed, and a credit to the State.

The location appears to have been made with an eye single to the wants of the institution, and it is a matter of congratulation that one public enterprise is being carried forward without entangling it in geographical disputes or local jealousies; in this regard, it gives hope for improvement in the future.

I commend this noble charity to your fostering care.

STATE HARBOR COMMISSION.

The object sought in the creation of the Board of State Harbor Commissioners, seems to have been clearly kept in view by them, and the net results of their operations thus far greatly exceed the anticipations of the most sanguine. The reports are full and set forth the results accomplished during the last two years in a clear and business like form. From them I condense the following, as the receipts and disbursements of the commission for two years ending November first, eighteen hundred and sixty-seven:

Receipts.	Amounts.
Received from current revenues of various wharves.....	\$477,268 91
Received from damages from Pacific, Broadway, Central and Market street wharves.....	50,000 00
Amount retained in the hands of the Board—it having been paid in under protest.....	3,013 00
Received from Ferry Company for dredging.....	1,368 25
	<hr/> \$531,650 16

Disbursements.	Amounts.
For repairs of wharves.....	\$66,468 37
For current expenses of wharves.....	42,319 67
For dredging slips.....	54,406 50
For expense account of office.....	4,852 70
For office furniture.....	330 62
For legal counsel.....	6,000 00
For legal expenses	793 00
For salary of Commissioners and Secretary.....	22,800 00
For constructing outer half of East street, between Mar-	
ket and Clay streets.....	13,622 83
For purchase of Oakland and San Antonio Ferry privilege.	27,500 00
For plans, etc., for sea wall.....	3,873 50
	\$242,967 19
Net balance	288,682 97
	\$531,650 16

Showing the net receipts, over and above all expenses, to have been for the period named, two hundred and eighty-eight thousand six hundred and eighty-two dollars and ninety-seven cents. The balances in the State Treasury, November first, eighteen hundred and sixty-seven, as the result of the operations of this Board, were as follows:

To the credit of the Wharf and Dock Fund	\$39,383 20
To the credit of the Harbor Protection Fund.....	334,547 55
	\$373,930 75

The Commissioners estimate that the receipts from all sources for the next two years will be four hundred and eighty thousand dollars, of which amount not more than one hundred and sixty thousand dollars will be required to pay all current expenses, repairs of wharves, dredging, etc., leaving a balance of three hundred and twenty thousand dollars to be expended in the construction of the sea wall.

As will be seen by the report, the Commissioners have adopted plans for a sea wall, which it is believed will be substantial as well as economical; and contracts have been entered into for the construction of one section, (seven hundred and forty-three feet,) at a cost of two hundred and six thousand five hundred and fifty-four dollars, (\$206,554); also for the construction of the embankment of another section, (six hundred and fifty feet,) at a cost of seventy-two thousand eight hundred dollars, (\$72,800); the contractor agreeing, at the option of the Board, to finish the superstructure for the sum of sixty-eight thousand two hundred and fifty dollars additional. This section, when completed, will cost one hundred and forty-one thousand and fifty dollars, (\$141,050.)

If the foregoing statements constitute reliable data upon which to base estimates for the future, the net receipts, after paying all necessary expenses, will build a substantial sea wall along the city front, from the foot of Chestnut street to the foot of Harrison street, within ten years.

GEOLOGICAL SURVEY.

A communication from the State Geologist, transmitted herewith, presents in detail the work he has accomplished during two years.

The following sums have been appropriated for this work since its commencement:

At the passage of the original Act, organizing the survey in 1860.....	\$20,000 00
By the Legislature in 1861.....	15,000 00
By the Legislature in 1862.....	15,000 00
By the Legislature in 1863.....	20,000 00
By the Legislature in 1864.....	25,000 00
By the Legislature in 1866.....	30,000 00
	<hr/>
	\$125,000 00

The last two amounts being for two years each, and embracing the sum of twenty-one thousand dollars (\$21,000) for engraving and publication of reports. The amount which will have been expended at the end of the current year, is one hundred and thirty-four thousand and sixty-nine dollars and seventy-seven cents (\$134,069 77.) showing a deficiency over and above the amount appropriated of eight thousand four hundred and sixty-nine dollars and seventy-seven cents (\$8,469 77.)

Professor Whitney estimates, that should nothing further be done in the field during the next six months, it would require six thousand five hundred dollars (\$6,500) to plot and write up the field work already on hand, and he asks that an appropriation of fifteen thousand dollars (\$15,000) be inserted in the deficiency bill, that it may be made available at as early a date as possible to keep up the work until June thirtieth, eighteen hundred and sixty-eight, the end of the present fiscal year. The Professor adds: "Should this not be passed, it will be my duty to dismiss all my assistants, and to discontinue the survey at once, a step which I should greatly regret having to do, as there is much valuable matter in my hands, either in process of publication or nearly ready to go to the printer and engraver."

Four volumes of reports have been published, and others are in various stages of advancement. The drawing and engraving for the volumes of birds and fishes are going on steadily, that of the birds being so near completion that the work can go to press immediately. The sheets of the map of Central California are nearly ready for the engraver, and the work on maps of other portions of the State is being pushed forward rapidly.

It will be seen from the statement of the Geologist that a very large amount of work has been performed in the two years with a small expenditure. I trust that the appropriations for the next two years

may be considerably increased, that the work may be hastened as rapidly as possible. The plan adopted for this work is comprehensive, and should, by all means, be carried out. When completed, these reports will contain information which will be of incalculable value to the State, and, at the same time, contribute to the cause of science the results of researches unrivalled by any in the known world.

I earnestly recommend this great work to your consideration, in the confident trust that increased means will be afforded in the future to carry it forward according to the plan heretofore adopted.

YOSEMITE VALLEY AND MARIPOSA BIG TREE GROVE.

The commission appointed to manage and control the Yosemite Valley and Mariposa Big Tree Grove present their report herewith, and I respectfully ask that you will give the matter due consideration, and trust the recommendation of the Commissioners may be favorably entertained and acted upon.

AMENDMENTS TO THE STATE CONSTITUTION.

The Legislature at its sixteenth session passed certain resolutions proposing amendments to the Constitution of this State, in the manner and form provided for in section one, Article X, of the Constitution. These proposed amendments will be found in the volume of statutes of eighteen hundred sixty-five and six. The requisite publication has been made, and they will now come before you for adoption or rejection. If your action should be favorable, the proposed amendments will then be submitted to a popular vote, at such time and in such manner as you may prescribe.

There is evidently an unintentional error in the original draft, or a clerical error in the copy of that portion of the resolutions relating to Article IX. As it now reads, the Superintendent of Public Instruction will be elected at the general election in eighteen hundred and sixty-nine, while it is apparent that the amendment cannot possibly become a part of the Constitution until after that date; nor would it be policy to elect this officer in a year different from that fixed for the election of other State officers.

Experience has demonstrated, I think, that the special judicial election is productive of no substantial good. It is an additional burden to the people, and should be done away with.

The additional section proposed to be added to Article I of the Constitution, reads as follows:

"SEC. 22. The Legislature shall have no power to make an appropriation of money for any purpose for a longer period than two years."

This amendment, proper and just in itself, is undoubtedly demanded by a very large majority of the people. The Constitution of the United States contains a similar limitation upon the power of Congress, and the same is true of many States. If this amendment be adopted, the Legislature will, in the future, be relieved from many vexatious questions which would otherwise be brought forward, and the public Treasury will have an additional safeguard. I earnestly commend this matter to your consideration, and trust it may meet favorable action at your hands.

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

With this I transmit a certified copy of a joint resolution of Congress, proposing an amendment to the Constitution of the United States, which is in the following words :

“ Joint resolution proposing an amendment to the Constitution of the United States.

“ Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two thirds of both Houses concurring.) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid as part of the Constitution, namely :

“ARTICLE XIV.

“SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

“SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

“SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

“SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

"SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

By the first section it is provided that all persons born or naturalized in the United States, and subject to its jurisdiction, are citizens of the United States and of the State wherein they reside, and States are prohibited from abridging the privileges and immunities of citizens, or depriving them of life, liberty, or property, without due process of law. This section declares "equality before the law" for all citizens, in the solemn and binding form of a constitutional enactment, to which no reasonable objection can be urged.

The second section provides a new rule of apportionment of representation, basing representation upon the number of citizens whose males are allowed participation in the elective franchise, to which are added, all unnaturalized foreigners.

The Constitution, as it now is, contains a provision for partial representation for slaves; the cause of this having passed away, this amendment seems proper, to meet the requirements of the new order of things.

The effect of the third section is to deprive the promoters and leaders of the late rebellion—men who have been so far forgetful of their duty to their country as to plan and assist in an attempt to overthrow the government, after having taken, as officers, the solemn oath to support the Constitution of the United States, and of the State in which they held office—from again holding office under the United States or any State, unless relieved of this disability by a vote of two thirds of each House of Congress.

That the only pains and penalties sought to be imposed upon the leaders of the late rebellion, for all the loss of life and calamities which ensued, for the immense expenditure of treasure, and the debt which now is a burden to the nation, should be, the prohibition of such men from holding office, shows the magnanimity of the people who have suffered so much, and demonstrates the fact that a republican government can with safety be more lenient to disloyal subjects, than can monarchies in any form.

The fourth section declares that the validity of the public debt of the United States shall not be questioned; and that no debt incurred in aid of secession and rebellion, or any claim for loss of property in slaves shall ever be paid by the United States or by any State. It is fair to assume that any opposition to this, must proceed from those who desire to repudiate the national debt, or would burden the people with the rebel debt, or both. For the credit of the State, it is to be hoped few such can be found either in the Legislature or among the people.

The fifth section authorizes Congress to pass all needful laws to carry these provisions into effect.

These amendments, so necessary for the protection of individual rights, so just in fixing a basis of representation; so indispensable for the protection of the Government and the people against further attempts at insurrection and rebellion; and at the same time so magnanimous to those who have forfeited every right by their own voluntary acts; and so essential to guard the public credit, have been submitted to the several States for adoption or rejection.

I commend them to your favorable consideration, and, while there is little doubt of their ratification by the requisite number of States, if not already done, I confidently trust that California will not mar the loyal record, heretofore made, by rejecting them.

NATIONAL AFFAIRS

At the date of the meeting of the last Legislature, an experimental plan of reconstructing and reorganizing the late insurgent States was being tried. I then expressed the hope, in which all good citizens concurred, that the people of those disorganized States, would accept the lenient terms proposed in good faith, and show by their acts that the spirit of secession, rebellion and hatred, had given place to a truly loyal sentiment; that the wicked leaders from whom had sprung all the woes of the late war would be set aside, and the places of honor, trust, and power, be filled by men who earnestly desired peace, good order and justice; and that the lives, liberty, and property of all the inhabitants of those States would receive ample protection from the laws which they would enact. Instead of this, it was found that those who had been most prominent in originating, organizing, and carrying on the rebellion, had been elected to fill all the places of trust and power in those States; unrepentant and unpardoned rebels had almost invariably been elected to the Senate and House of Representatives in Congress; laws were passed by their Legislatures providing for the apprenticing of negroes, which, if carried into effect, would have rendered the condition of the freedmen worse than that from which they had been emancipated by the operations of the war; and all men, whether white or black, who had stood by the Government in the hour of its peril, were proscribed and persecuted. In a word, the spirit of rebellion seemed triumphant, and all loyalty appeared crushed under its iron heel.

In view of this, Congress refused to recognize these States as reorganized, and declined to admit into its counsels the men who, failing to overthrow the Government by the sword, now seemed only too anxious to share in its control and direction. After months of patient investigation, and with an earnest desire that harmony might be restored at the earliest moment consistent with safety and the future well being of the Government, Congress passed a joint resolution, proposing certain amendments to the Constitution of the United States, and submitted them to the several States for adoption or rejection;—it being publicly announced and generally understood, that the ratification of these amendments by the late insurgent States, would entitle them to recognition by the Federal Government.

These amendments, so just and proper in themselves, so mild and lenient to the people of the South, were indignantly, and in some cases indecently rejected by the Legislatures of all these States, except one. Thus matters stood at the close of the session of Congress in eighteen hundred and sixty-six; Congress insisting that the representatives of the people were the sole judges of the whole matter, and the President affirming that reconstruction was complete under his plan, contending that the whole power of Congress over the matter consisted in examining and passing upon the regularity of the credentials of members and Senators who presented themselves and asked for admission.

At the elections held in eighteen hundred and sixty-six for members of the present Congress, the two opposing theories of reconstruction were in effect submitted to and passed upon by a vote of the people. The whole subject was discussed at large, by the ablest men of the nation, and the issues involved in the contest were considered of such moment, that the Chief Magistrate of the nation, felt called upon, to instruct the living concerning these questions, while journeying to do honors to the dead. The verdict of the people was overwhelmingly against the Presi-

dent's plan of reconstruction, and in favor of the power and duty of Congress to insist upon such terms and safeguards in the reorganization of these States, as would guarantee loyal governments, adequate for the protection of all the inhabitants. The congressional plan is now being tried with promise of good results; conventions have been called in nearly or quite all these States; constitutions are being framed, and it is confidently expected that a large majority, if not all, will be in practical and harmonious relations with the Union during the next year. If this happy consummation be realized, the thanks of all loyal men, and all who desire to see this nation continue as one great whole, with a government guaranteeing freedom and equality before the law to all its citizens, and offering an asylum to the oppressed of all nations, will be due to the firmness and integrity of purpose displayed by Congress in the great struggle through which it is now passing. If, contrary to present anticipations, the terms now offered are spurned and rejected by the people of one or more of these States, it cannot be doubted that the rightful authority of the United States will be exercised to protect life, liberty, and property, until new State governments shall be formed, which will contain ample guarantees for individual rights and national security. "Loyalty may wait, but cannot afford to yield."

RETROSPECT.

The four years during which by the blessing of God and the favor of the people I have had the honor to preside over the executive department of this State, have been replete with startling events. During this period, advancement in enlightened public sentiment has been marked, and material prosperity has received a new impetus. The nation, freed from the shackles which bound it to slavery and barbarism, has entered upon a career of unexampled prosperity. The trials through which it passed have demonstrated the inherent strength of a government founded upon the free will of an intelligent people, and challenged the respect if not the admiration of all the nations of the earth.

In these years the largest army has been seen in the field, of which any record can be found in modern history. Its deeds of gallantry and and daring fill all loyal hearts with admiration, and the record of its exploits will be handed down to generations that come after us in story and in song. The sublime spectacle has been presented of a million of men, laying aside the enginery of war, quietly returning to their homes, and clothing themselves in the habiliments of peace, resuming their accustomed vocations, in agriculture, manufactures, commerce and the arts; and all this without the least shock or commotion, and without causing a ripple upon the surface of society.

In the midst of the terrible struggle, when successes and defeats followed each other in rapid succession, and the fate of the nation seemed trembling in the balance, the sovereign people were called upon to indicate by their ballots who should be their executive head for the four years then next ensuing, and at the same time to say in substance whether the war was, or was not, a failure. We saw the chosen leader of the people, the man whom the nation loved and delighted to honor—in whose heart were found "malice towards none, and charity for all," and whose actions were marked by purity and singleness of purpose—slain by the hand of an assassin, and the control of the Government quietly pass to another without jar, discord, or debate. And when this new ruler, filled with pride, ambition, and love of power, essayed to set aside

the will of the people, as expressed through their representatives, and substitute instead his own wicked policy, the people through elections, in the usual form, so strengthened the hands of Congress, as to enable it to go forward in the work of reconstruction in accordance with the demands of national justice and national security.

The "area of freedom" has been enlarged by the acquisition of Russian America, and to the indomitable energy of one of our own citizens was the Government indebted for the opportunity of communicating with Russia in regard to the purchase, by means of a telegraph under the Atlantic.

During this eventful period a sister republic has encountered the armed forces of one of the most powerful nations of Europe, aided by large numbers of her own rebellious citizens. She maintained the struggle for years in the face of every discouragement; finally, drove the invaders from her soil, and meted out condign punishment to the cruel leaders. The republic is now re-established, we hope, on a firm foundation, and through the quiet agency of the ballot box, the man who led this people in war has been called with great unanimity to the chief executive position of the republic.

As a State we have kept pace with the spirit of the age in intellectual and moral advancement, and have achieved reasonable success in every branch of domestic industry. Peace and good order have been maintained in all our internal affairs; the laws have been found adequate for the protection of all; the Courts, presided over by honest and capable Judges, have been open to redress the wrongs of rich and poor, of the exalted and the humble alike. No tumultuous or riotous proceedings have taken place, calling for the aid of the military to suppress, except in a single instance, and even then the call was a precautionary measure rather than a case of necessity. Offenders against the laws have been brought to speedy trial, agreeably to established forms, and the punishment adjudged to the guilty has been administered with a firm yet kind hand.

The charities of the State have been honestly dispensed, and have afforded a comfortable home and careful attention for those bereft of reason; aiding, also, in the care of the helpless orphan, and liberally providing for the support and education of the deaf and dumb, and the blind.

The advancement made in the cause of education has been rapid; our common schools and seminaries of learning have multiplied, and the generous support granted them by a willing people, affords just cause for sincere congratulation.

In material resources our advancement has been steady, healthful, and permanent. Since eighteen hundred and sixty-three the assessed value of property in the State has increased nearly if not quite forty millions of dollars, and it is estimated that the present actual values largely exceed the amounts put down by the Assessors.

Manufactures, in the various branches, have increased and prospered, affording additional employment to thousands of industrious operatives. Our commercial interests have been developed to meet the requirements of the Pacific coast, and steam communication has been successfully established with the Hawaiian Islands, China, and Japan, which gives promise of an extended trade with those countries.

The breadth of land brought under the plough is rapidly widening from year to year, and abundant crops are the sure reward of judicious cul-

ture. The foreign demand for our surplus products has been regular, and the prices obtained have been remunerative to the farmer.

The apprehension of miners in regard to unwise and unfriendly legislation by Congress touching the mineral lands, has been allayed by the passage of just and generous laws which guarantee the actual possession to those on whom the prosperity of the State so largely depends. While it is true that the placer mines are diminishing in productiveness, the yield of the quartz mines has materially increased.

The marked and gratifying progress made in the construction of the Pacific Railroad up to this time, gives promise of easy and speedy communication with our eastern neighbors at no distant day. The energy displayed by our own citizens in building this great work is worthy of the highest commendation.

CONCLUSION.

The term of office which the people called me to fill, will expire during the present week, by constitutional limitation. With this communication my official connection with the Legislature and the people will cease, and I shall cheerfully retire to private life.

In the conduct of public affairs, during this time, it has been my aim and earnest desire to see the laws faithfully executed; to aid in developing all the resources of the State; to prevent the property of the State from being taken without a just equivalent; to discountenance and check unwise and special legislation; to stop as far as possible wasteful expenditures and extraordinary appropriations, and to see that the money contributed in the way of taxes was judiciously and economically expended. The penal institutions and the public charities, the schools, colleges, and all organizations having for their object the protection, amelioration, education and advancement of the people, have been subjects of my care and solicitude, and have received a due share of my personal attention. In a word, I have endeavored to fulfil, as far as possible, every obligation imposed upon me by the people. How near the object sought has been attained, must be left for others to judge.

For the ability, integrity and zeal displayed by all the State officers in the discharge of their varied duties; for the efficient aid rendered me by all connected with the State Government; for the kindness and courtesy which have marked all official relations; for the generous confidence of the people, and for the gracious favor of a kind Providence, I feel deeply sensible, and desire to return profound thanks.

FRED'K F. LOW.



APPENDIX

TO

GOVERNOR'S MESSAGE.

LIST OF PARDONS FROM STATE PRISON,

GRANTED BY GOVERNOR FRED'K F. LOW,

From November 1st, 1865, to December 1st, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1859.....	John Reynolds.....	Murder in 2d degree.	San Francisco..	Life.

DECISION.—Whereas, it appears from the evidence adduced upon the trial, (a copy of which has been furnished me,) that the grade of the crime was manslaughter; and whereas, a petition signed by a large number of respectable citizens of San Francisco has been presented to me, asking for his pardon; and whereas, the testimony of the officers of the prison goes to show that his conduct since his imprisonment has been exemplary, giving promise of a correct life in the future—now, therefore, let him be pardoned and restored to all the rights and privileges of citizenship. November 4th, 1865.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1864.....	W. J. Linton	Assault to commit murder.	Sacramento.....	Ten years.

DECISION.—Whereas, it has been made to appear by the statement of Hon. Robert C. Clark, the Judge who presided at the trial, by eleven of the jurors who tried the case, that great provocation was given for the commission of the crime, which did not appear on trial; and whereas, petitions have been presented to me, signed by the said Judge and jurors, together with two hundred respectable citizens of Sacramento County, praying that said Linton may be pardoned—now, therefore, let him be pardoned, on condition that he leave the State within sixty days from this date, never to return. November 21st, 1865.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1858.....	Ramon Oroasco.....	Assault with intent to kill.	Tuolumne	Ten years.

DECISION.—Whereas, a petition has been presented to me signed by the Judge before whom he was tried, the District Attorney who prosecuted him, the then Sheriff and County Clerk, and also a number of the most respectable citizens of Tuolumne County, setting forth that the sentence was disproportionate to the offence, and praying that he may be pardoned; and whereas, the officers of the prison certify that the conduct of said Oroasco since his confinement therein has been exemplary—now, therefore, let him be pardoned. December 26th, 1865.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1862.....	Alexander Leonard....	Rape.....	Humboldt.....	Five years.

DECISION.—Whereas, a petition has been presented to me signed by the Judge who presided at the trial, by all the county officers of Humboldt County, by a majority of the jurors by whom he was tried, and by a large number of respectable citizens of Humboldt County, setting forth that since his trial and sentence circumstances have transpired which go to show that the guilt of the accused is very doubtful, and praying that he may be pardoned; and whereas, it appears from a certificate of the officers of the prison that said Leonard has conducted himself well since his confinement—now, therefore, let him be pardoned. January 3d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865...	Charles Dwyer.....	Forgery.....	San Francisco..	Two years.

DECISION.—Whereas, a letter signed by the Judge before whom he was tried, a petition signed by all the grand jurors who indicted him, the petit jurors who tried him, by the parties whose names he forged, as well as the persons on whom the check was drawn, and a large number of respectable citizens of San Francisco, praying for his pardon, has been presented to me—now, therefore, let him be pardoned, on condition that he leave the State on or before the first of February, never to return. January 10th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865...	August Collier.....	Forgery	San Francisco..	Two years.

DECISION.—Whereas, a letter signed by the Judge before whom he was tried, a petition signed by all the grand jurors who indicted him, the petit jurors who tried him, by the parties whose names he forged, as well as the persons on whom the check was drawn, and a large number of respectable citizens of San Francisco, praying for his pardon, has been presented to me—now, therefore, let him be pardoned. January 11th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1864.....	George F. Morris.....	Manslaughter.....	Los Angeles.....	Three years.

DECISION.—Whereas, a petition has been presented to me signed by all the jurors who tried him, and a large number of respectable citizens of Los Angeles County, setting forth that it is doubtful if the homicide was committed with any criminal intent, and praying that a pardon may be granted to him; and whereas, the Judge before whom he was tried strongly recommends that the prisoner may be pardoned—now, therefore, let him be pardoned. February 3d, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1862...	James Daniels.....	Manslaughter.....	Trinity.....	Five years.

Decision.—Whereas, the Judge before whom he was tried, in a letter to me certifies to the uniform good conduct of the prisoner prior to the commission of the offence to which he plead guilty, and expresses his belief that "the killing was looked upon more as the result of accident than of felonious intent;" and whereas, Hon. John P. Jones, Senator from Trinity County, together with most of the county officials, and many prominent citizens, have united in a petition indorsing fully the statements of the Judge, and praying that a pardon may be granted—now, therefore, let him be pardoned. February 14th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1862.....	S. Lucas	Assault with intent to murder.	Sierra.....	Seven years.

Decision.—Whereas, the Judge before whom he was tried certifies that in his opinion the sentence was excessive, (he having been overruled by his associates,) and that had he been the sole Judge in the case, the sentence would not have exceeded two years; and whereas, Hon. L. E. Pratt, Senator from Sierra County, has filed with me a full statement of the case, from which it appears that the prisoner has already suffered long enough; and whereas, the county officers of Sierra County, and a very large number of citizens, have petitioned for executive clemency in this case—now, therefore, let him be pardoned. February 14th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1864.....	Patricio (Indian).....	Manslaughter.....	Sacramento.....	Five years.

Decision.—Whereas, the Judge before whom he was tried, and the District Attorney who prosecuted him, are of the opinion that for reasons stated by them in a communication to me, it would subserve the ends of justice if executive clemency be exercised in this case—now, therefore, let him be pardoned. March 9th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1861...	James Gallagher.....	Arson in the second degree.	Shasta.....	Nine years.

Decision.—Whereas, the Judge before whom he was tried, many of the jury who tried him, and a large number of respectable citizens of Shasta, including Hon. J. N. Chappell, have united in a petition for the pardon of said Gallagher; and whereas, the officers of the prison testify to the uniform good conduct of the prisoner since he has been confined—now, therefore, let him be pardoned, on condition that he never return to Shasta County. April 5th, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1864...	Patrick Toomey.....	Grand larceny.....	San Francisco...	Four years.

DECISION.—Whereas, at an attempted outbreak at the State Prison in January last, the said Toomey by his brave conduct rescued the Captain of the Guard and rendered efficient service in quelling the disturbance—now, therefore, let him be pardoned. April 5th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1863...	Alonzo H. Dake.....	Murder in 2d degree.	Sacramento.....	Eleven years.

DECISION.—Whereas, the verified statements of the wife of the party whom Dake killed; her statements to Father Gallagher; the statement of the counsel who assisted in the prosecution of Dake, all go to show that Dake was assaulted by the deceased, rendering it extremely probable that the killing was in self defence; and whereas, the honorable District Judge before whom he was tried has joined with many other respectable citizens of Sacramento in a request that executive clemency be extended; and whereas, the conduct of Dake since his confinement has been exemplary—now, therefore, let him be pardoned. April 24th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1863.....	Henry Deitzman.....	Murder in 2d degree.	Santa Clara.....	Ten years.

DECISION.—Whereas, the Judge before whom he was tried expresses his belief that the prisoner has suffered sufficiently for the crime committed, and joins with many respectable citizens of San José, including the delegation from Santa Clara County in the last Legislature, in the request that Deitzman may be pardoned—now, therefore, let him be pardoned. April 24th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1858...	Thomas Connolly.....	Murder in 2d degree.	Tuolumne.....	Ten years.

DECISION.—Whereas, a petition numerously signed by some of the most respectable citizens of Tuolumne County, has been presented to me, asking for his pardon; and whereas, the conduct of the prisoner since his confinement has been good, and the state of his health is such that it is believed he cannot live long if kept in prison, for which reasons his pardon is strongly recommended by the Lieutenant-Governor and all the officers at the prison—now, therefore, let him be pardoned. June 15th, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1865.....	A. Richmond.....	Grand larceny.....	El Dorado.....	One year

DECISION.—Whereas, a petition signed by the acting District Attorney who prosecuted him, the Sheriff and all the county officers of El Dorado County, and also by all the jurors who tried him, has been presented to me; and whereas, the Judge before whom he was tried indorses said petition, and says: "That believing that others, and not Alexander Richmond, were the real criminals, and that he (Richmond) has been sufficiently punished for his crime"—now, therefore, let him be pardoned. June 18th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1865.....	Edward Ring.....	Manslaughter.....	San Mateo.....	Three years.

DECISION.—Whereas, a petition has been received, signed by six of the jurors who tried the case, and by a very large number of respectable citizens, including most of the county officers of San Mateo County, asking for his pardon, also a letter from Hon. O. C. Pratt—the Judge before whom he was tried—stating that he is satisfied that Ring's sentence was too severe, and that in his opinion the prisoner has been sufficiently punished for the offence, and should be pardoned—now, therefore, let him be pardoned. June 20th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1865.....	George de Laey, <i>alias</i> McKenzie.	Highway robbery....	Amador.....	Seven years.

DECISION.—Whereas, it appears from the statements of the Judge before whom he was tried, the District Attorney who prosecuted him, the affidavit of William E. Rierson, who swore to the identity of the prisoner on the trial, and the sworn statements of the Chief of Police of Sacramento and Chief of Police of the City of Placerville, as well as by the confession of James Driscoll, *alias* De Laey, now confined in the State Prison, that said McKenzie was innocent of the crime for which he is now undergoing imprisonment; and whereas, the said McKenzie is willing and anxious to leave the State in case he should be released—now, therefore, let him be pardoned on condition that he depart from this State prior to the tenth day of August next, never to return. July 3d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1861	Timothy J. Kiley.....	Murder in 2d degree.	Sacramento.....	Fifteen years.

DECISION.—Whereas, Hon. J. H. McKune, the Judge before whom he was tried, Hon. C. Cole, the District Attorney who prosecuted him, a large number of the jurors who tried him, and a large number of respectable citizens of Sacramento County who were cognizant of all the facts of the case, all join in saying that in their opinion the prisoner has suffered sufficiently for the offence, and strongly recommend his pardon; and whereas, his conduct since his imprisonment has been exemplary, giving promise of a correct life when released from confinement—now, therefore, let him be pardoned. July 17th, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1864...	John Barrett	Murder in 2d degree.	San Francisco...	Ten years.

DECISION.—Whereas, from a careful investigation of the case, I am convinced that the offence was committed in the heat of passion, provoked by the abuse and threats of the deceased; and whereas, the prisoner had, prior to the commission of the offence, served faithfully three years as a soldier in the Fourth Infantry, California Volunteers, maintaining an unexceptionable character, both as a man and a soldier; and whereas, a petition signed by all the men of his regiment with whom he had served, strongly indorsed by his Colonel, has been presented to me praying for his pardon, in order that he may accept a situation offered him by Hon. Phineas Banning—now, therefore let him be pardoned. July 18th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1858.....	Joseph Ennes.....	Murder in 2d degree.	Calaveras.....	Fifteen years.

DECISION.—Whereas, evidence has been presented to me going to show that prior to the commission of this offence the prisoner was a peaceable citizen: that there was great provocation, which led the prisoner to believe that his life was in danger; and whereas, Hon. S. W. Brockway, the present District Judge for Calaveras County, after a full investigation of the case, has strongly recommended the pardon of Ennes—now, therefore, let him be pardoned. August 24th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1857...	W. S. Harper.....	Manslaughter.....	Plumas.....	Ten years.

DECISION.—Whereas, a petition has been presented to me signed by a large number of respectable citizens of Plumas County, stating that the sentence of the Court was excessive, and that the prisoner had suffered sufficiently for the offence; and whereas, the conduct of the prisoner since his confinement—nearly nine years—has been exemplary, which has induced the officers of the prison to ask for his release—now, therefore, let him be pardoned. August 24th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1865....	Charles Schlesinger....	Grand larceny.....	Sacramento.....	Five years.

DECISION.—Whereas, a petition signed by the officers of the Howard Benevolent Society—from whom the money was stolen—goes to show that the offence was an indiscretion of youth rather than a felony within the proper meaning of the word; and whereas, the friends of the prisoner are anxious to send him to Europe to his relatives in case he be released—now, therefore, let him be pardoned on condition that he depart from this State prior to the twentieth of October, eighteen hundred and sixty-six, never to return. October 1st, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1862.....	James Cruise.....	Arson.....	Sacramento.....	Six years.

DECISION.—Whereas, from the evidence in my possession it clearly appears that the prisoner's connection with the crime was as an accessory and not as principal: that at the time the offence was committed he was a boy, and acted in the matter without criminal intent, although not excusable for that reason: and whereas, he has now served four and one half years, deporting himself well and laboring faithfully, giving evidence of an honest and correct life in the future—now, therefore, let him be pardoned. October 1st, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1859.....	H. Y. Lebkisher.....	Grand larceny.....	Butte.....	Ten years.

DECISION.—Whereas, Judge Wells, before whom he was tried, the Sheriff and other county officers of Butte County, as well as a large number of respectable citizens of Oroville, have represented that they are convinced that the sentence was disproportionate to the offence, and that the imprisonment already suffered—nearly seven years—is quite enough: and whereas, his conduct since his confinement has been good—now, therefore, let him be pardoned on condition that he depart from this State prior to the fifteenth of November next, never to return. October 27th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1866.....	Samuel Cohen.....	Grand larceny.....	Sacramento.....	Eighteen months.

DECISION.—Whereas, a petition has been presented to me, signed by the County Judge, District Attorney, and a large number of respectable and worthy citizens of Sacramento, in which they state that the evidence was such that the jury could with propriety have brought in a verdict of not guilty: that the prisoner is sixty-four years of age, and prior to this time has borne a good character: that he has a large and helpless family depending upon him for support, who are now being supported by charity: that, in consideration of all these circumstances, executive clemency is asked—now, therefore, let him be pardoned. October 27th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1866.....	Miguel Peralta.....	Grand larceny.....	Alameda.....	One year.

DECISION.—Whereas, from a statement of the case made by ten of the jury who tried him, and by the County Judge, County Clerk, and Sheriff, it appears that the crime was really committed by other persons, and that the prisoner was by reason of his youth and inexperience made a participant and the victim. The Judge states that it was his intention to have sentenced the boy to confinement at the Reform School, and was only prevented from doing so for the reason that the prisoner's age was a few months in excess of the limit—now, therefore, let him be pardoned. November 13th, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1862.....	R. B. Schell.....	Manslaughter.....	San Francisco...	Ten years.

DECISION.—Whereas, Dr. Charles Burrill, the surgeon of the State Prison, certifies that the prisoner is subject to attacks of hemorrhage of the lungs; that he is now in the hospital suffering from an attack of this disease, with no possibility of his ever being restored to health; and whereas, it is represented that friends of the prisoner are willing to incur the expense of sending him to his relatives in Indiana in the event that he be released—now, therefore, let him be pardoned upon the condition that he depart from this State prior to the fifteenth of December next, never to return. November 23d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1859.....	James Mullins.....	Burglary.....	Sacramento.....	Ten years.

DECISION.—Whereas, a certificate signed by Dr. Charles Burrill, the surgeon of the State Prison, has been presented to me, from which it appears that the prisoner is suffering from an incurable disease, and cannot long survive; and it further appearing that the said Mullins is possessed of sufficient means to take him to his friends in the Atlantic States—now, therefore, let him be pardoned on condition that he departs from this State prior to the fifteenth of December next, never to return. November 23d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1865.....	Bernard Gillen.....	Robbery.....	San Francisco..	Six years.

DECISION.—Whereas, since his trial it has been made to appear to the jurors who tried him, that the prosecuting witness—upon whose evidence the verdict was found—was a man of bad character, and the circumstances which have since come to light cast a grave doubt upon the justice of the verdict; and whereas, the jurors in the above case, together with a large number of respectable citizens of San Francisco, have petitioned for executive clemency in behalf of Gillen—now, therefore, let him be pardoned. December 18th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1864.....	John McFadden.....	Robbery.....	San Francisco..	Five years.

DECISION.—Whereas, Judge Cowles, before whom McFadden was tried, in a communication to me touching this case, says: "I fear that an innocent man is suffering wrongfully," and strongly urges that executive clemency be extended; and whereas, from the evidence presented to me I am convinced that McFadden was the victim of a conspiracy which resulted in his conviction of a crime of which he was innocent—now, therefore, let him be pardoned. December 18th, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1864....	Michael Keefe.....	Murder in 2d degree.	Sacramento.....	Eleven years.

DECISION.—Whereas, a careful examination of the testimony in this case leads me to believe that the verdict should have been manslaughter, if not justifiable homicide: and whereas, the Judge before whom he was tried, the prosecuting attorney, Chief of Police, and a large number of respectable citizens of Sacramento County, have petitioned for a full and unconditional pardon—now, therefore let him be pardoned. December 18th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1866....	José Castro.....	Assault to do bodily injury.	Sacramento.....	Two years.

DECISION.—Whereas, it appears by a certificate signed by Dr. Charles Burrill, surgeon of the prison, that the said Castro is suffering from a disease from which he cannot recover, and the probabilities are that he cannot survive the expiration of his term; and whereas, the mother of the prisoner has, through Hon. R. Pacheco, asked that he may be released in order that she may have the consolation of administering to his comforts in his last hours—now, therefore, let him be pardoned. January 22d, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1860.....	William K. Lamb.....	Manslaughter.....	San Joaquin....	Nine years.

DECISION.—Whereas, petitions numerously signed by respectable citizens of San Joaquin County, praying for the pardon of said Lamb, have been received: and whereas, the presiding Judge, before whom he was tried—Judge Creanor—and the present Judge of that District—Judge Cavis—are of the opinion that the evidence which has come to light since his conviction, warrant them in stating that the sentence was excessive, and that he has suffered sufficiently for the offence—now, therefore let him be pardoned. January 23d, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1860....	Pedro Valdez.....	Murder in 2d degree	Santa Barbara..	Twelve years.

DECISION.—Whereas, it appears from statements made by the Judge before whom Valdez was tried, the District Attorney who prosecuted him, and a large number of the jurors who tried him, that the crime was committed at the instigation of and through the influence of others: and whereas, his character prior to the commission of this crime was exemplary, as certified to by Hons. R. Pacheco, P. W. Murphy, and R. J. Hill, who strongly urge that executive clemency may be exercised in this case—now, therefore, let him be pardoned. January 23d, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1863....	Hiram Utt.....	Grand larceny.....	Los Angeles.....	Fifteen years.

DECISION.—Whereas, the evidence presented to me shows the following facts : that Utt was arrested and tried at a time when great excitement existed in Los Angeles in regard to cattle stealing ; that he was convicted upon the unsupported evidence of one witness, a man since proven to be of bad character ; that the prisoner's counsel was not present at the trial, and the Court refused a continuance so a defence could be made ; and whereas, the foreman of the jury that tried him says that he is satisfied that Utt was innocent and would have been acquitted if any proper defence had been made—now, therefore, let him be pardoned. February 13th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
September, 1864....	Wm. Hoagland.....	Murder in 2d degree.	Santa Clara.....	Twenty-five years.

DECISION.—Whereas, Hon. S. B. McKee, the Judge before whom Hoagland was tried, the Sheriff, District Attorney, and other county officers of Santa Clara County, and a number of respectable citizens of the same county, certify that from evidence which has come to light since the trial, it is extremely doubtful whether the wound inflicted by the prisoner was the cause of death, for which reason they strongly urge executive clemency ; and whereas, the surgeon of the prison and the Lieutenant-Governor certify to me that the prisoner is suffering from an incurable disease, and cannot long survive—now, therefore, let him be pardoned. February 18th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1861.....	Peter Wittenberg.....	Murder in 2d degree.	Marin.....	Eleven years.

DECISION.—Whereas, a petition signed by the District Attorney, county officers, and a large number of respectable citizens of Marin County, represents that from the best authenticated testimony, Wittenberg's crime was only manslaughter, and that he has already suffered six years' imprisonment, a punishment sufficient for the crime, for which reasons the petitioners pray that Wittenberg may be pardoned ; and whereas, Hon. O. L. Shafter, Judge of the Supreme Court, indorses the said petition and joins in the request for pardon—now, therefore, let him be pardoned. March 4th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1860.....	Amariah Kibby.....	Murder in 2d degree.	Sonoma.....	Thirty years.

DECISION.—Whereas, a transcript of the evidence given at the trial has been furnished me, an examination of which convinces me that the verdict and sentence of Kibby was an outrage upon justice ; that Kibby's crime was not greater than manslaughter, with mitigating circumstances, or, possibly, justifiable homicide ; and whereas, petitions signed by a large number of respectable citizens of Sonoma County, certify to the prisoner's former good character, and urge the case as one deserving of executive clemency—now, therefore, let him be pardoned. March 4th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1862.....	John Pelcher.....	Robbery	Butte.....	Ten years.

DECISION.—Whereas, a petition signed by Lieutenant-Governor Machin, and all the officers of the prison, has been received, praying for the pardon of said Pelcher, as a reward for his good behavior while in prison, and particularly for the truthful and timely information given to the officers, by which a "break" was prevented, which "break," if it had been successful, would have imperilled the lives of the officers and permitted the escape of a large number of desperate men to prey upon the community—now, therefore, let him be pardoned. March 22d, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865...	George Williams.....	Assault to rob.....	Santa Clara.....	Three years.

DECISION.—Whereas, it appears from the statement of Judge Senter, before whom Williams was tried, that had he been cognizant of all the facts of the case the sentence would not have exceeded one year: and whereas, the prisoner Williams is a mere boy, whose parents are anxious to take him, if released, to the Atlantic States—now, therefore, let him be pardoned. April 5th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865...	Titus W. Davis	Murder in 2d degree	El Dorado.....	Twenty years.

DECISION.—Whereas, certain facts have been brought to light since the trial and sentence of Davis which have induced Judge Brockway, before whom he was tried, and all the jurors who tried him, to petition for his pardon: and whereas, Governor Geary, of Pennsylvania, and many other respectable citizens of that State, certify to the former good character of the prisoner, and pray for executive clemency, to the end that he may be restored to his family—now, therefore, let him be pardoned on condition that he depart from this State within sixty days, never to return. April 16th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1865.....	Thomas Edwards.....	Manslaughter.....	Santa Clara.....	Four years.

DECISION.—Whereas, Hon. S. B. McKee, the Judge before whom he was tried, the District Attorney, Sheriff, nearly or quite all the county officers of Santa Clara County, and a large number of respectable citizens, resident of San José, have petitioned for executive clemency in this case—now, therefore, let him be pardoned. April 26th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1864....	Ah Chung.....	Grand larceny..	San Francisco..	Five years.

DECISION.—Whereas, Judge Cowles, before whom he was tried, states that he is satisfied that an erroneous ruling was made by him upon the trial which may have prevented the defendant from introducing evidence going to show his innocence, and for this reason prays that Ah Chung may be pardoned; and whereas, the imprisonment already suffered would seem to be entirely adequate for the offence, if there was a possible doubt as to the prisoner's guilt—now, therefore, let him be pardoned. April 20th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1864.....	Charles Williams.....	Robbery	Alameda.....	Ten years.

DECISION.—Whereas, evidence has been presented to me going to show that he was led to commit crime by bad associates when he was a mere boy, and that if now removed from such companionship he may become a useful citizen: and whereas, his friends promise that if released he shall leave this State and go to reside with his relations in the Atlantic States—now, therefore, let him be pardoned on condition that he leaves this State prior to June first, eighteen hundred and sixty-seven, never to return. May 15th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1865.....	Frederick Zett.....	Embezzlement.....	San Francisco...	Four years.

DECISION.—Whereas, a petition signed by the prosecuting witness, by Hon. A. L. Tubbs, the foreman of the grand jury that found the indictment against the prisoner, and by the jurors who tried him, praying for the pardon of Zett on the ground that the punishment already inflicted is ample for the offence, which application is approved by the Judge before whom he was tried—now, therefore, let him be pardoned. May 16th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1859.....	John Davis.	Murder in 2d degree	Klamath	Ten years.

DECISION.—Whereas, it appears from the statement of the Judge before whom he was tried that there were mitigating circumstances connected with the homicide which should properly have reduced the grade of the crime to manslaughter: and whereas, the prisoner has now been confined in the penitentiary eight years, during which time he has conducted himself with propriety, for which reason the officers of the prison unite in a strong recommendation for executive clemency—now, therefore, let him be pardoned. May 16th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1864.....	Epifanio Valdez.....	Rape.....	Los Angeles....	Five years.

DECISION.—Whereas, a statement signed by the Judge before whom the prisoner was tried, the District Attorney who prosecuted him, by the county officers, and a large number of respectable citizens of Los Angeles, has been presented to me, from which it appears that since the conviction and sentence of Valdez it has been definitely ascertained that another person was the guilty party, and that Valdez is innocent of the crime for which he is undergoing imprisonment—now, therefore, let him be pardoned. May 17th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1867.....	John Faylor.....	Grand larceny.....	Sonoma.....	One year.

DECISION.—Whereas, a petition for his pardon, signed by the County Judge, District Attorney, all the county officers, and a large number of respectable citizens of Sonoma County, has been presented to me, from which it appears that the prisoner is a boy about nineteen years of age; that he was persecuted by others to do the acts which he believed to be no crime; that he is morally innocent of criminal intent, and if released, would be furnished a situation in which he could reinstate himself in the good opinion of those who know him—now therefore, let him be pardoned. June 10th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	Terrence Miner.....	Grand larceny.....	San Francisco..	One year.

DECISION.—Whereas, it appears from a statement made to me by Judge Cowles that the defendant was only technically guilty of the crime; that although the strict letter of the law compelled them to find a verdict of guilty, the jury, before rendering their verdict, agreed to join in a petition for his pardon; and whereas, the good character of the prisoner prior to the commission of this offense is proven, and the jury have united in an appeal for executive clemency—now, therefore, let him be pardoned. June 15th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1866....	Jesus Garcia.....	Manslaughter.....	Contra Costa....	Two years.

DECISION.—Whereas, a petition for his pardon has been received, signed by the County Judge and all the county officers, also by a large number of respectable citizens of Contra Costa County; and whereas, Judge Dwinelle, before whom he was tried, has made to me a verbal, and the Mexican Consul a written request that said Garcia be pardoned; and whereas, it appears from the evidence submitted to me that the assault was committed under great provocation, and that it is even doubtful if the death of the person assaulted was not the result of intemperate habits—now, therefore, let him be pardoned. June 15th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1865....	John McCormick.....	Arson in 2d degree..	San Francisco....	Two years.

DECISION.—Whereas, a petition for his pardon has been presented to me, signed by many respectable citizens of San Francisco; and whereas it is apparent from the evidence in the case that McCormick considered he was defending his own property, the title to the land having since been decided in his favor, and adversely to the owner of the shanty which was burned; and whereas, since his trial and conviction, while on bail, he has purchased a farm in Napa County, to which he has removed his family, and which at this season requires his immediate attention in order to insure a support for those dependent upon him—now, therefore, let him be pardoned. June 27th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1865.....	Robert McCausland ...	Grand larceny.....	Sacramento.....	Seven years.

DECISION.—Whereas, statements have been made to me by Hon. Robert C. Clark, the Judge before whom he was tried, the District Attorney who prosecuted him, and others who were acquainted with the facts in the case, from which it appears that the sentence of the Judge was disproportionate to the offence, and that the imprisonment already undergone is ample, and whereas, the friends of the prisoner desire to send him to his relatives in the Eastern States, if released—now, therefore, let him be pardoned on condition that he depart from this State prior to August first, eighteen hundred and sixty-seven, never to return. July 11th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1862	Robert P. Mills.....	Murder in 2d degree	Humboldt.	Ten years.

DECISION.—Whereas, a copy of the evidence given at the trial of the prisoner has been laid before me, from which it appears that the grade of the crime was manslaughter; and whereas, he has already been imprisoned five years—a term fully adequate to the crime—during which time his conduct has been exemplary; and whereas, the Judge before whom he was tried, and the District Attorney who prosecuted him, join in a request for executive clemency in his behalf—now, therefore, let him be pardoned. July 13th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1866.....	John Kavanaugh.....	Grand larceny	Alameda	Two years.

DECISION.—Whereas, it appears from the statement of the Judge before whom he was tried, a portion of the jurors who tried him, and other persons fully acquainted with the case, that the evidence was very meagre as well as entirely circumstantial; that even if guilty, as charged, the offence was slight and the punishment already inflicted would appear to be ample—now, therefore, let him be pardoned. July 14th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1856	Daniel S. Potts.....	Murder in 2d degree.	Placer	Life.

DECISION.—Whereas, it appears from the statements of Edward H. Parker and many other respectable citizens of San Francisco—in whose employ Potts had been for some years prior to the commission of the offence—that the crime was the result of sudden passion, and not of wicked design: that before that time Potts had been an industrious and good man: that the punishment already suffered—eleven years—has fully vindicated the majesty of the law and public justice, and that if executive clemency be extended, the former employers of Potts will send him to his relatives in the Atlantic States—now, therefore, let him be pardoned on condition that he depart this State prior to August fifteenth, never to return.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1865.....	Patrick Hughes... ..	Arson	San Joaquin.....	Five years.

DECISION.—Whereas, representations are made to me by the Judge before whom he was tried, and the District Attorney who prosecuted him, that they are satisfied the punishment already inflicted is ample, and strongly urge executive clemency, which recommendation is endorsed by a large proportion of the respectable citizens of Stockton, among whom are included a portion of the jury who tried the case—now, therefore, let him be pardoned. August 19th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1863.....	Porter Cunningham...	Rape	Sacramento	Ten years.

DECISION.—Whereas, the Judge before whom he was tried, the Acting District Attorney who prosecuted him, and a majority of the jury by whom he was tried, unite in saying that there is great doubt of the guilt of the accused: that the subsequent course of life of the prosecuting witnesses has been such as to throw discredit upon the testimony given at the trial: that the prisoner is an old man, and they strongly urge that he may be pardoned and restored to his family, now residing in the Atlantic States—now, therefore, let him be pardoned on condition that he depart from this State prior to October fifteenth, eighteen hundred and sixty-seven, never to return. September 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1862...	Albert Snell	Robbery	Nevada	Fourteen years.

DECISION.—Whereas, a statement has been made by Hon. David Bellén—the Judge before whom he was tried—to the effect that, considering all the circumstances of the case, and the reported good conduct of the prisoner, the sentence pronounced was too severe, and that in his judgment the imprisonment already suffered is ample: and whereas, a petition numerously signed by the residents of Nevada County has been presented to me, invoking executive clemency in this case—now, therefore, let him be pardoned on condition that he depart this State prior to October first, eighteen hundred and sixty-seven, never to return. September 12th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1863...	Charles Anderson	Murder in 2d degree.	San Francisco...	Ten years.

DECISION.—Whereas, evidence has been presented to me going to show that the offence was not greater than manslaughter, even if it was not justifiable homicide; and whereas, he has already suffered five years' imprisonment, conducting himself peaceably and laboring faithfully, a punishment ample for the offence—now, therefore, let him be pardoned. October 4th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1859.....	George Lee.....	Murder in 2d degree.	Mariposa.....	Twenty years.

DECISION.—Whereas, the Judge before whom he was tried is of the opinion that the murder was not premeditated, and that the imprisonment already suffered is ample; and whereas, the Consul of the Hawaiian Government, and others connected therewith, have petitioned for the pardon of Lee, (said Lee being a native of Honolulu,) that he may return to his native land. They also state that the clemency, if granted, would be highly appreciated by the Hawaiian Government—now, therefore, let him be pardoned. October 4th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
September, 1866...	R. Newton Williams...	Grand larceny.....	El Dorado.....	Two years.

DECISION.—Whereas, the Judge before whom he was tried, the District Attorney who prosecuted the case, and the county officers of El Dorado County, strongly urge that the said Williams may be pardoned for the following reasons: First—He is a mere boy, and his participation in the crime of which he was convicted was the result of bad influences. Second—This is his first offence against the law, for which the punishment already inflicted is ample—now, therefore, let him be pardoned. October 25th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1864.....	Ira Berry.....	Grand larceny.....	Sonoma.....	Six years.

DECISION.—Whereas, a statement of the case has been made to me by Judge Laughton, before whom he was tried, from which it appears that Berry's offence was not clearly proven; that the Judge had determined to impose a sentence of two or three years at most; that he was induced by prisoner's counsel to make the sentence six years, instead of two or three, because it was thought the prisoner would be more likely to obtain a pardon with a long sentence than with a short one; and whereas, the prisoner has already suffered a longer imprisonment than was originally intended—now, therefore, let him be pardoned. October 25th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1865.....	Benj. Carson.....	Robbery	San Francisco...	Four years.

DECISION.—Whereas, sufficient evidence has been adduced to prove conclusively that the crime was committed by another person, and that the prisoner is innocent; and whereas, Judge Cowles, before whom Carson was tried, is satisfied that great injustice has been done, and strongly urges executive clemency—now, therefore, let him be pardoned. October 25th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1859.....	Charles D. Ryan.....	Robbery	Stanislaus.....	Twelve years.

DECISION.—Whereas, it appears that Ryan was a youth when sentenced; that the sentence was disproportionate to the offence; that he has already suffered nearly nine years' imprisonment; that his conduct while in prison has been exemplary, and that, if released, he promises to leave the State, return to his relatives and friends, and lead an honest and correct life in the future—now, therefore, let him be pardoned on condition that he depart this State prior to December fifteenth, eighteen hundred and sixty-seven, never to return. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1858.....	Martin Rodriquez.....	Murder	Placer	Life.

DECISION.—Whereas, it appears from the statement of the Judge before whom he was tried, and the District Attorney who prosecuted him, that the verdict and sentence were unjust and severe, and that the person jointly indicted with the prisoner, and who was equally guilty, was convicted of a lesser offence for which he has suffered the sentence imposed, and is now at liberty; and whereas, the Judge and officers of Placer County, who were acquainted with all the facts, earnestly petition for Rodriquez' pardon—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1865...	Jeremiah McCarthy...	Manslaughter.....	Sacramento.....	Ten years.

DECISION.—Whereas, the District Attorney who prosecuted this case is inclined to the belief that if the actual facts could be ascertained it would be found that the attack was made on McCarthy first, and that the killing was in self defence; and whereas, the Governor of Massachusetts, in a letter to me certifies to McCarthy's former good character; states that if McCarthy can be pardoned the means will be provided for his return to his family, and that the former employer of the prisoner will again give him employment and thus furnish a support for his helpless family—now, therefore, let him be pardoned on condition that he leaves the State prior to December fifteenth, never to return. November 26th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1860	Peter Lombard	Murder in 2d degree.	Sierra	Fifteen years.

DECISION.—Whereas, a petition signed by the county officers of Sierra County, and a large number of respectable citizens living near the scene of the homicide, has been received, praying for Lombard's pardon; and whereas, the District Attorney who prosecuted at the trial—Hon. Alex. W. Baldwin—in a letter to me states that there were many extenuating circumstances which should have weight in this case: that, in his opinion, justice has been satisfied by the punishment already inflicted, and earnestly prays for executive clemency in this case—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1866.....	John H. Mills	Grand larceny.....	San Francisco..	Seven years.

DECISION.—Whereas, the facts of this case appear to be that Mills and another party committed a larceny; that the evidence of their guilt was so slight as to warrant the belief that they would be acquitted; that the District Attorney authorized an officer to say to Mills that if he would confess the crime and return the stolen property, he, as District Attorney, would join in a petition for Mills' pardon; that Mills did confess and return all the stolen property in his possession; that both were convicted, and each sentenced to imprisonment for seven years; and that, in the opinion of the District Attorney and a large number of persons who join in the petition, Mills is entitled to executive clemency—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1864.....	Frank McCann	Manslaughter.....	Contra Costa....	Ten years.

DECISION.—Whereas, the officers of the prison join in an earnest appeal for the pardon of McCann, on the ground of his good behavior while under their charge, and for his valuable aid in detecting and giving information of plots at escape among the prisoners; and whereas, a letter has been received from the Judge before whom he was tried, in which he says: "I hope I shall soon hear of McCann's pardon"—now, therefore, let him be pardoned on condition that he depart from this State prior to December fifteenth, eighteen hundred and sixty-seven, never to return. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1859.....	Moses Tate.....	Murder in 2d degree.	San Francisco..	Life.

DECISION.—Whereas, the facts in this case appear to be that Tate was induced by another person to assist in the commission of crime; that the other person planned it and prevailed upon the simplicity of the prisoner till he became an actor in it, and that the trials resulted in the acquittal of the guilty one and the conviction of Tate; and whereas, the prisoner's mental perceptions are much below the ordinary standard; he is quiet and inoffensive, and no possible good can result from longer imprisonment; and whereas, a large number of persons have petitioned for his pardon and agree with me in these conclusions—now, therefore, let him be pardoned. November 26th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1866....	Peter D. Hedley.....	Embezzlement.....	San Francisco..	Three years.

DECISION.—Whereas, petitions and letters have been received asking for the pardon of Hedley, signed by the Governor of Nevada, Judge Baldwin, and a large number of the most respectable citizens of Virginia Gold Hill, and other places in Nevada, and by large numbers of persons in San Francisco, Marysville, and Oroville; and whereas, the facts in this case appear to be that Hedley appropriated the money to his use without felonious intent; that he undoubtedly intended to return it, and that his conviction was sought more for an *example* than as a punishment for his particular offence; and whereas, in view of all this, it would seem that the imprisonment already suffered is ample—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1862.....	Alexander G. Flowers	Murder in 2d degree	Tuolumne.....	Twelve years.

DECISION.—Whereas, the surgeon of the prison certifies that said Flowers is suffering from a pulmonary disease from which there is no possibility of recovery if retained in prison, and strongly urges his pardon on the score of humanity, in which request the officers of the prison join; and whereas, the conduct of the prisoner has been exemplary since his confinement—nearly six years—giving evidence of reformation and a correct life in the future, if released—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1860....	Henry Wappner.....	Murder in 2d degree.	San Francisco..	Life.

DECISION.—Whereas, an investigation into the facts in this case satisfies me that the grade of the crime was not greater than manslaughter, for which he has already suffered about eight years' imprisonment; and whereas, a portion of the jurors and many respectable citizens of the City of San Francisco have signed a petition asking for executive clemency in this case—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
December, 1865....	William Jocelyn.....	Grand larceny.....	Colusa.....	Six years.

DECISION.—Whereas, it is made to appear to me that the prisoner was convicted at a time of great excitement; that the evidence against him was in the main circumstantial, and that at the time of the trial and since, grave doubts have existed in the minds of those best able to judge of the guilt of the accused; and, whereas, a petition, signed by all the officers of the prison has been received, in which they testify to his exemplary conduct, and pray for executive clemency, and the prayer is concurred in by persons who certify to Jocelyn's former good character—now, therefore, let him be pardoned. November 26th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1857 ...	William Miller.....	Murder in 2d degree.	Butte.....	Twenty-one years.

DECISION.—Whereas, from an examination into the facts of this case it appears that certain witnesses, who were cognizant of all the circumstances, could not be found at the time of the trial, whose evidence would probably have proven a case of justifiable homicide; and whereas, the statement of evidence given at the trial clearly demonstrates that the offence was not of higher grade than manslaughter, and if a correct verdict had been found, the prisoner, having suffered more than ten years' imprisonment, would be entitled to a discharge—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1860.....	Miguel Marquez.....	Murder in 2d degree.	Alameda	Life.

DECISION.—Whereas, an examination into this case discloses the following facts: Marquez was convicted of the murder of S. D. Lester: the case was appealed and the verdict was set aside by the Supreme Court; he was again tried and the jury disagreed, standing eight for acquittal and four for conviction. Upon the third trial the jury, after twenty-four hours deliberation, found a verdict of murder in the second degree; and this verdict was found in the face of the ante mortem declaration of the deceased that the prisoner was not the guilty party; and whereas, the people of Oakland testify to the former good character of Marquez, and give it as their opinion that he is suffering punishment unjustly—now, therefore let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1865.....	J. R. Welborn.....	Grand larceny.....	Butte.....	Five years.

DECISION.—Whereas, a petition has been received, signed by a large number of respectable citizens, residents of Butte and Yuba Counties, who were well acquainted with the facts in the case, who say that the prisoner is quite young, and that this is his first and only offence; that he was induced by others to take the horse, and that he had no just appreciation of the offence, nor did he commit the act with criminal intent; and whereas, this state of facts being proven, it appears that the prisoner has suffered enough—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
June, 1866.....	Refugio Flores.....	Grand larceny.....	Santa Barbara..	Five years.

DECISION.—Whereas, a petition for his pardon has been received, signed by a large number of respectable citizens of Santa Barbara, by which it appears that the evidence upon which the conviction was had was entirely circumstantial, and that in the opinion of petitioners the prisoner is innocent of the crime; and whereas, these statements are indorsed by Hon. R. Pacheco and the Consul of Mexico, Señor José A. Godoy—now, therefore, let him be pardoned. November 26th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1865.....	Richard Kncale.....	Manslaughter.....	Nevada.....	Ten years.

DECISION.—Whereas, a statement of the case has been made to me in writing, signed by the Judge before whom he was tried, the District Attorney who prosecuted him, by Hons. David Belden, A. A. Sargent, Judge Niles, and many other respectable citizens of Nevada County, from which it appears that the offence was committed under great provocation, and the prisoner had good reason to believe his own life was in danger when the deed was done; and whereas, the petitioners say the sentence was disproportionate to the offence, and that the punishment already inflicted is ample—now, therefore, let him be pardoned. November 26th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1862.....	Ah On.....	Murder in 2d degree.	San Francisco..	Ten years.

DECISION.—Whereas, I am informed in a letter received from Hon. S. F. Reynolds, the Judge who presided at the trial of said Ah On, that the evidence did not warrant a verdict for a higher crime than manslaughter, and that he has already suffered imprisonment for more than five years, a term long enough for the latter crime; and whereas, the officers of the prison unite in a certificate setting forth his uniform good conduct while under their charge—now, therefore, let him be pardoned. November 30th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1858.....	Isaac Morris.....	Assault to murder...	Sacramento.....	Fourteen years.

DECISION.—Whereas, a petition has been received by me urging the pardon of the said Isaac Morris, on the ground that the ends of justice have been satisfied by the long imprisonment he has already suffered; and whereas, from a personal investigation of the case I am satisfied he should be released without further punishment; and whereas, the prison officers testify to his excellent behavior since he has been under their charge—now, therefore, let him be pardoned. November 30th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1862.....	N. R. Ellis.....	Grand larceny..	Sonoma.....	Nine years.

DECISION.—Whereas, a petition signed by the County Judge, District Attorney, and all the county officers of Sonoma County, asking for Ellis' pardon, has been received, from which it appears that the value of property stolen did not exceed seventy-five dollars; and whereas, the prisoner has already suffered over five years' imprisonment, a punishment which seems to be ample for the offence—now, therefore, let him be pardoned on condition that he depart from this State prior to December fifteenth, eighteen hundred and sixty-seven, never to return. November 30th, 1867.

LIST OF PARDONS FROM COUNTY JAIL,

GRANTED BY GOVERNOR FRED'K F. LOW,

From November 1st, 1865, to December 1st, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1865.....	Ah Toy.....	Vagrancy.....	San Francisco..	Sixty days.

DECISION.—Whereas, certificates signed by Dr. Wm. T. Garwood, County Physician, and other physicians, going to show that the prisoner is partially blind, which fact, if it had been established on the trial, would have relieved him from the charge of vagrancy; and whereas, Hon. P. W. Shephard, the Police Judge who sentenced him, asks that he may be pardoned—now, therefore, let him be pardoned. November 1st, 1865.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1866.....	John Stewart....	Misdemeanor.....	San Francisco...	Six months.

DECISION.—Whereas, it appears from statements made to me by his former employer—Hon. A. L. Tubbs—and also from a petition numerously signed, asking for his pardon; that the prisoner's character has been hitherto unexceptionable, and that there are mitigating circumstances attending the commission of the offence to which he plead guilty; and whereas, the confidence of his former employers appears to be such that they propose to take him into their employ again when released from jail—now, therefore, let him be pardoned. June 15th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
September, 1865..	(George Smith.....)	Petit larceny (five charges.)	San Francisco..	Eighteen months.

DECISION.—Whereas, a petition has been presented to me, signed by a large number of respectable citizens of Benicia, (the place where he formerly resided,) certifying to the good conduct of the prisoner prior to these offences, and praying that he may be pardoned; and whereas, the District Attorney of the City and County of San Francisco is of the opinion that this is his first offence, and on account of his youth and heretofore exemplary conduct recommends that executive clemency be granted—now, therefore, let him be pardoned on condition that he depart from this State prior to the twentieth instant, never to return. February 8th, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1866.....	John Atkinson.....	Assault with intent to do bodily in- jury.	Placer	One year, or fine of \$750.

DECISION.—Whereas, a petition has been presented to me, signed by the County Judge, District Attorney, and other county officers, Senator Hale, and many other respectable citizens of Placer County, asking that the said Atkinson may be set at liberty; and whereas, upon a careful investigation of the case I am convinced that the sentence was disproportional to the offence, and that the punishment he has already suffered is ample—now, therefore, let him be pardoned. July 19th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1866.....	W. J. Pinckney.....	Petit larceny.....	San Francisco...	Six months.

DECISION.—Whereas, a petition signed by Captain Paul Shirley, United States Navy; Captain Baldwin, and nearly all the officers at the Navy Yard, has been presented to me, asking for his pardon, for the reason that prior to the present charge the prisoner has borne an irreproachable character, and also that the prisoner has a large and destitute family depending solely upon his labor for their support; and whereas, the cause of justice has been fully vindicated by the punishment already inflicted—now, therefore, let him be pardoned. October 1st, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1866.....	P. H. Howe.....	Petit larceny.....	San Francisco...	Six months.

DECISION.—Whereas, a petition has been presented to me for his pardon, signed by numerous highly respectable citizens of San Francisco, setting forth in strong terms the previous good character of the prisoner, and that he is the only support of a widowed mother; and whereas, his pardon is recommended by Judge Alfred Rix, before whom he was tried, and by the officer who arrested him, who certifies that he was in a state of intoxication when the offence was committed—now, therefore, let him be pardoned. October 27th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1866.....	Henry C. Penwell.....	Petit larceny.....	San Francisco..	Six months.

DECISION.—Whereas, a petition for his pardon, signed by Judge Rix, before whom the prisoner was tried, General John F. Miller, R. F. Perkins, T. B. Shannon, J. G. McCullough, Col. Edward McGarry, and N. D. Arnot, has been presented to me, from which it appears that Penwell has served faithfully as a soldier during the late war; that the property in question was valued at only twenty dollars; that poverty, and not criminal intent, was what induced the commission of the offence, and that if released, his friends will furnish means for him to leave the State—now, therefore, let him be pardoned. November 23d, 1866.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	Hugh Doran.....	Petit larceny.....	San Francisco..	Four months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said Hugh Doran belongs to the Fourteenth Regiment of Infantry, United States Army; that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination; and, whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	George Lee.....	Petit larceny.....	San Francisco...	Four months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said George Lee belongs to the Fourteenth Regiment of Infantry, United States Army; that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination; and, whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	John McCann.....	Petit larceny.....	San Francisco..	Four months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said John McCann belongs to the Fourteenth Regiment of Infantry, United States Army; that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination; and, whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	Edward Kelly.....	Petit larceny.....	San Francisco...	Four months.

Decision.—Whereas, it appears from a statement made by the military authorities, that the said Edward Kelly belongs to the Fourteenth Regiment of Infantry, United States Army; that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination; and, whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867.....	John Donovan.....	Petit larceny.....	San Francisco...	Six months.

DECISION.—Whereas, it appears from a statement made by the military authorities, that the said John Donovan belongs to the Fourteenth Regiment of Infantry, United States Army; that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination; and whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
January, 1867	John Adams.....	Assault and battery.	San Francisco...	Fourteen days.

DECISION.—Whereas, it appears from a statement made by the military authorities, that the said John Adams belongs to the Fourteenth Regiment of Infantry, United States Army; that the detachment to which he belongs has recently arrived from the Atlantic States, and is under orders to proceed to Arizona on the fifteenth instant, and that it is desirable that he should be released so that he may join his company and proceed without delay to his destination; and whereas, the application for his pardon and release is indorsed favorably by the Judge before whom he was tried—now, therefore, let him be pardoned on condition that he joins his company and obeys the orders of his superior officers. January 12th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1866.....	J. W. Walsh.....	Misdemeanor.....	San Francisco..	Six months.

DECISION.—Whereas, a certificate signed by Wm. Garwood, M. D., and J. M. McNulty, M. D., has been received, by which it appears that the prisoner is suffering acute inflammatory rheumatism, which is greatly aggravated by the dampness of the prison; and whereas, Judge Cowles and District Attorney Porter recommend that in view of the foregoing, and on the score of humanity, executive clemency should be extended in this case—now, therefore, let him be pardoned. January 7th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
July, 1866.....	Joseph Grabman.....	Petit larceny.....	San Francisco..	Eighteen months.

DECISION.—Whereas, the Judge, Clerk, and Prosecuting Attorney of the Court in which he was tried, the prison keepers, the police officers who made the arrest, and others, join in a petition for his pardon, assigning as a reason the length of time he has been in prison—over one year—and his uniform good conduct—now, therefore, let him be pardoned. August 19th, 1867.

LIST OF PARDONS—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
May, 1867.....	Henry Carrington.....	Gambling.....	San Francisco..	Fifteen months.

DECISION.—Whereas, a certificate, signed by respectable physicians, affirms that the said Carrington is suffering from severe illness, and that in the jail he cannot receive such medical aid and surgical treatment as his case demands; and whereas, Judge Cowles and District Attorney Porter unite in asking for executive clemency, in which request the Sheriff and officers of the jail and many respectable citizens join—now, therefore, let him be pardoned. October 4th, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1867.....	George Francis	Misdemeanor	San Francisco..	Fifteen months.

DECISION.—Whereas, it is made to appear by certificates signed by Drs. L. J. Henry, S. R. Harris, C. W. Moore, and Pyne Dupuytren, that the said Francis is suffering from a disease of the heart, which is greatly aggravated by confinement in the jail; and whereas, in consideration of the above, Judge Cowles and District Attorney Porter recommend executive clemency—now, therefore, let him be pardoned. October 22d, 1867.

RESTORATIONS TO CITIZENSHIP.

GRANTED BY GOVERNOR FRED'K F. LOW,

From November 1st, 1865, to December 1st, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
September, 1864..	Thomas Sullivan.....	Grand larceny.....	San Francisco..	One year.

DECISION.—Whereas, since the expiration of his term of imprisonment he enlisted as a soldier, and has served faithfully in the army during the war, and has now received an honorable discharge—now, therefore, let him be restored to citizenship. November 24th, 1865.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
April, 1861	Christian Bliel.....	Robbery	San Francisco..	One year.

DECISION.—Whereas, from the testimony of the District Attorney who prosecuted him, and other evidence, it appears that since the expiration of his term of imprisonment the said Bliel has conducted himself properly, giving evidence of an earnest desire and intention of leading a correct life in the future—now, therefore, let him be restored to all the rights and privileges of citizenship. January 3d, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
March, 1864.....	M. C. Hughes	Manslaughter.....	Mariposa.....	Six months.

DECISION.—Whereas, it has been represented to me that he has conducted himself in a satisfactory manner since the expiration of his term of imprisonment, and that the people of Mariposa have confidence in him—now, therefore let him be restored to all the rights and privileges of citizenship. January 13th, 1866.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
August, 1856	H. T. Lawrence	Grand larceny.....	San Francisco..	Three years.

DECISION.—Whereas, it is represented to me by a large number of respectable citizens of San Francisco that the said Lawrence has since his discharge become a good citizen, embarked in business and accumulated property—now, therefore, let him be restored to all the rights and privileges of citizenship to which he was entitled before the aforesaid conviction and imprisonment. September 13th, 1866.

COMMUTATIONS OF SENTENCE,

GRANTED BY GOVERNOR FRED'K F. LOW,

From November 1st, 1865, to December 1st, 1867.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Sentence.
November, 1865...	Francisco Gonzales.....	Murder in 1st degree	Mariposa.....	Death.

DECISION.—Whereas, at the November term, A. D. eighteen hundred and sixty-five, of the District Court of the Thirteenth Judicial District, held in and for the County of Mariposa, Francisco Gonzales was tried and convicted of murder in the first degree, and sentenced to be hung on the twenty sixth day of January instant; and whereas, from the statement of the evidence furnished me by the Judge, it does not appear to have been a case of “wilful, deliberate and premeditated” murder, but, on the contrary, the killing seems to have been the result of an altercation; and whereas, the foreman and many of the jurors, after having found the said verdict, have, by a most singular request, petitioned for commutation, which request is sustained by representations from the county officers and other prominent citizens of the county, all of which tend most strongly to show that the verdict is not sustained by the evidence—now, therefore, I, Fred'k F. Low, Governor of the State of California, do by the authority vested in me by the Constitution and laws of this State, commute the sentence of the said Francisco Gonzales; and I do hereby order and direct the Sheriff of Mariposa County, upon the receipt of these presents, to take and deliver the said Francisco Gonzales into the custody of the officers of the State Prison of California, and that he be confined there at hard labor for the term of fifteen years, dating from the day of his entrance into the prison.



In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed, this seventeenth day of January, A. D. eighteen hundred and sixty-six.

FRED'K F. LOW, Governor.

Attest: B. B. REDDING, Secretary of State.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
November, 1866...	Tom (an Indian).....	Murder in 1st degree	El Dorado.....	Death.

DECISION.—Whereas, at the November term, eighteen hundred and sixty-six, of the District Court, held in and for the County of El Dorado, one Tom (an Indian) was convicted of murder in the first degree, and sentenced to be executed on the eleventh day of January instant; and whereas, a petition has been received, signed by the Sheriff, County Judge, and all the county officers of El Dorado County; by a majority of the jurors who tried the case, and a large number of respectable citizens, asking that the sentence of Tom may be commuted to imprisonment in the State Prison, which request is indorsed by Honorable S. W. Brockway, the Judge who presided at the trial; and whereas, it appears from the statement presented to me that the evidence upon which Tom was convicted was the confession of a confederate, (Jim,) who was mainly responsible for the crime—now, therefore, I do by the authority vested in me by the Constitution and laws of this State, commute the sentence of the said Tom to imprisonment in the State Prison of this State, and the Sheriff of El Dorado County is hereby ordered, upon the receipt of these presents, to take and carefully convey the said Tom to the State Prison and deliver him to the officers thereof, there to be securely kept and imprisoned during the term of his natural life.



In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed, this fifth day of January, A. D. eighteen hundred and sixty seven.

FRED'K F. LOW, Governor.

Attest: B. B. REDDING, Secretary of State.

COMMUTATIONS OF SENTENCE—Continued.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
February, 1866....	José Sorano.....	Murder in 1st degree	Sonoma.....	Death.

DECISION.—Whereas, at the February term, eighteen hundred and sixty-seven, of the District Court, held in and for Sonoma County, José Sorano was convicted of the crime of murder in the first degree, and sentenced to be executed on the twenty-ninth day of March, eighteen hundred and sixty-seven; and whereas, a respite has been granted by the Governor, suspending the carrying into effect of the said sentence until the twenty-sixth day of April instant, in order that a proper examination might be made of the evidence adduced upon the trial; and whereas, from an examination of the case it does not appear that there was evidence going to show that the killing was "wilful, deliberate and premeditated;" and whereas, the Judge before whom he was tried states that he is in great doubt about the whole matter, and thinks the ends of justice would be subserved by a commutation of the sentence to imprisonment in the penitentiary—now, therefore, I do, by the authority vested in me by the Constitution and laws of this State, commute the sentence of the said José Sorano to imprisonment in the State Prison of this State for the term of thirty years, and order that the Sheriff of the county of Sonoma, upon the receipt of these presents, take and safely convey the said Sorano to the State Prison of this State, there to be confined for the term herein prescribed.



In witness whereof, I have hereunto set my hand, and caused the great seal of State to be affixed, this eighteenth day of April, A. D. eighteen hundred and sixty-seven.

FRED'K F. LOW, Governor.

Attest: B. B. REDDING, Secretary of State.

Date of Sentence.	Name of Prisoner.	Crime.	County.	Term of Sentence.
October, 1867.....	José Maria Arceo.....	Murder in 1st degree	Monterey.....	Death.

DECISION.—Whereas, at the October term, eighteen hundred and sixty-seven, of the Third Judicial District Court, held in and for the County of Monterey, José Maria Arceo was convicted of the crime of murder in the first degree, and sentenced to be executed on the twenty-first day of November instant; and whereas, a petition signed by a majority of the jurors who tried the case, by the County Judge, District Attorney, Sheriff, and all the county officers of Monterey County, as well as by a very large number of the most respectable citizens of said county, prays that the sentence may be commuted to imprisonment in the State Prison; and whereas, the evidence given upon the trial, as shown by the statement furnished me by the Judges, appears contradictory, and I find nothing in it that proves the act was "wilful, deliberate and premeditated;" on the contrary, the whole evidence goes to show that the homicide was the result of sudden passion, which clearly makes the grade of the crime no higher than murder in the second degree—now, therefore, by the authority vested in me by the Constitution and laws of this State, I do hereby commute the sentence of the said José Maria Arceo to imprisonment in the State Prison of this State for the period of thirty years; and upon the receipt of these presents the Sheriff of Monterey County will cause the said José Maria Arceo to be taken and safely conveyed to the State Prison, and the officers of the said prison will receive and safely keep the said Arceo for the full period of thirty years, dating from the day of his arrival at the prison.



In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed, this eleventh day of November, eighteen hundred and sixty-seven.

FRED'K F. LOW, Governor.

Attest: B. B. REDDING, Secretary of State.

On motion of Mr. Mandeville, the President was authorized to appoint a committee of three to make arrangements for the Senate to take part in the inaugural ceremonies, to take place on Tuesday, December fifth.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, December 4th, 1867. }

To the Senate of the State of California :

I have to inform your honorable body that since the adjournment of the sixteenth session of the Legislature I have appointed Joseph G. Wall, Brigadier-General of the Sixth Brigade, National Guard, under an Act of April second, eighteen hundred and sixty-six.

FRED'K F. LOW,
Governor.

The message was considered in executive session, and on the question "Shall the Senate advise and consent to the appointment?" the roll was called, and the Senate refused, by the following vote :

AYES—Mr. Banning—1.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—35.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, December 4th, 1867. }

To the Senate of the State of California :

I have the honor to inform your honorable body that since the adjournment of the sixteenth session of the Legislature the following officers have been appointed by me, and I ask that their appointment may be ratified and confirmed by the Senate :

April 20th, 1866—Charles L. Low, Commissioner of the Funded Debt of San Francisco, *vice* Knight, deceased ;

April 30th, 1866—George S. Evans, Adjutant-General, under Act of April second, eighteen hundred and sixty-six ;

May 3d, 1866—Lucius H. Allen, Major-General of the National Guard, under Act of April second, eighteen hundred and sixty-six ;

May 3d, 1866—Phineas Banning, Brigadier-General of the First Brigade, National Guard, under Act of April second, eighteen hundred and sixty-six ;

November 7th, 1866—John Hewston, Jr., Brigadier-General of the Second Brigade, National Guard, under Act of April second, eighteen hundred and sixty-six ;

October 25th, 1867—William A. Davies, Brigadier-General of the Third Brigade, National Guard, under Act of April second, eighteen hundred and sixty-six ;

October 25th, 1867—Josiah Howell, Brigadier-General of the Fourth Brigade, National Guard, under Act of April second, eighteen hundred and sixty-six ;

October 25th, 1867—James C. Roley, Brigadier-General of the Fifth Brigade, National Guard, under Act of April second, eighteen hundred and sixty-six;

February 2d, 1867—Louis R. Lull, Inspector of Stamps, *vice* himself, term expired;

February 2d, 1867—Jacob Deeth, Inspector of Stamps, *vice* himself, term expired;

April 18th, 1867—Horace D. Dunn, Commissioner of Immigration, *vice* S. H. Wetherbee, term expired.

FRED'K F. LOW,
Governor.

The Senate again went into executive session to consider the foregoing message.

On advising and consenting to the appointment of Chas. F. Low as Commissioner of the Funded Debt of the City and County of San Francisco, the roll was called, with the following result:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

On advising and consenting to the appointment of George S. Evans as Adjutant-General, Mr. Pearce moved it be made the special order for Friday next, at twelve o'clock M.

The ayes and noes were demanded by Messrs. Pearce, Pendegast, and Lawrence, and the Senate refused, by the following vote:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

Mr. Mandeville moved to take a recess till twelve o'clock M.

Lost.

The question again recurring upon the appointment of George S. Evans, the roll was called, and the appointment ratified, by the following vote:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Pearce, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—22.

NOES—Messrs. Conn, Curtis, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Pendegast, Rose, Saunders, and Shaw—16.

Mr. Pearce gave notice that he would move to reconsider the foregoing vote on next Monday.

The Senate advised and consented to all the other nominations referred

to in the preceding message by the following votes, the roll being called in each case respectively :

Lucius H. Allen, as Major General of the National Guard :

AYES.—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES.—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

Phineas Banning, as Brigadier-General of the First Brigade, National Guard :

AYES.—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES.—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

John Hewston, Jr., as Brigadier-General of the Second Brigade, National Guard :

AYES.—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES.—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

William A. Davis, as Brigadier-General, Second Brigade, National Guard :

AYES.—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES.—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

Josiah Howell, as Brigadier-General of the Fourth Brigade, National Guard :

AYES.—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—20.

NOES.—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

James C. Roley, as Brigadier-General of the First Brigade, National Guard :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

Louis R. Lull, as Inspector of Stamps :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—17.

Jacob Deeth, as Inspector of Stamps :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—22.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Saunders—17.

Horace D. Dunn, as Commissioner of Immigration :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

The President announced the appointment of Messrs. Mandeville, Freeman, and Wolcott, as the committee on the part of the Senate to make arrangements for the inaugural ceremonies.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
December 4th, 1867. }

Mr. PRESIDENT :—The Assembly has adopted Assembly concurrent resolution No. 1 :

Resolved, By the Assembly, the Senate concurring, that the Senate and Assembly meet in Joint Convention on this day at two o'clock P.M., to canvass the election returns of this State for Governor and Lieutenant-Governor.

WM. S. BYRNE,
Assistant Clerk.

On adopting Assembly concurrent resolution, above reported, the ayes and noes were demanded, by Messrs. Pearce, Lewis, and Hager, and the Senate refused, by the following vote:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—17.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Heacock, Hardy, Hunter, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—22.

ASSEMBLY CHAMBER,
December 4th, 1867. }

Mr. PRESIDENT:—The Assembly returns Senate concurrent resolution No. 2, relative to meeting in Joint Convention, amended by striking out "twelve o'clock M., to-morrow," and inserting "three o'clock P.M., to-day."

WM. S. BYRNE,
Assistant Clerk.

On concurring in Assembly amendment to Senate concurrent resolution No. 2, above reported, the ayes and noes were demanded, by Messrs. Pearce, Lawrence, and Lewis, and the Senate concurred, by the following vote:

AYES—Messrs. Belden, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Pratt, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—31.

NOES—Messrs. Banning, Beach, Bradley, Chappell, Conly, Ewer, Perley, and Roberts—8.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, December 4th, 1867. }

To the Senate of the State of California:

I have to inform your honorable body that I have appointed Jed. C. Butler, Brigadier-General of the Sixth Brigade, *vice* Wall, rejected by the Senate, and ask that said appointment be ratified and confirmed.

FRED'K F. LOW,
Governor.

The Senate being in executive session, Mr. Mandeville moved that the consideration of the message be laid upon the table.

Lost.

Mr. Lewis desired to give notice that he would on to-morrow move a reconsideration of the vote whereby the Senate had refused to advise and consent to the appointment of Jos. G. Wall as Brigadier-General of the Sixth Brigade.

The Chair (President pro tem. Mizner) decided that the motion could not be entertained and was out of order, for the matter referred to had passed beyond further action of the Senate, and the Governor having

become informed of the rejection of his former nominee, had already submitted another name for confirmation by the Senate.

Mr. Mandeville appealed from the decision, and upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

Messrs. Lawrence, Lewis, and Pearce, demanded the ayes and noes.

Mr. Robinson moved the previous question.

The Senate refused, by a vote of eighteen to eighteen.

The roll was called on sustaining the decision of the Chair, and it was adopted as the judgment of the Senate, by the following vote:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—20.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

Mr. Mandeville moved to lay the whole subject matter on the table.

The motion was lost, by the following vote, the ayes and noes being taken on the demand of Messrs. Pendegast, Lawrence, and Mandeville:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—18.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—20.

Mr. Pearce withdrew his former notice of a motion to move a reconsideration of the vote in the case of George S. Evans, confirmed as Adjutant-General of the State, and then gave notice that he would, on tomorrow, move a reconsideration of that vote.

MESSAGE FROM THE ASSEMBLY.

Pending further action on the subject matter of the Governor's message, last above referred to, the following message was received from the Assembly:

ASSEMBLY CHAMBER,
December 4th, 1867. }

MR. PRESIDENT:—I am instructed to inform your honorable body that the Assembly is now ready to go into Joint Convention with the Senate.
EAGAN, Chief Clerk.

Accordingly, at three o'clock P. M., the Senate as a body proceeded to the Assembly Chamber, and met with the Assembly in Joint Convention.

IN JOINT CONVENTION.

The President of the Senate and the Speaker of the House presided.

The roll of the Senate was called by its Secretary, and a quorum was present, as follows:

Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, John-

son, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott.

The roll of the Assembly was called by the Chief Clerk, and a quorum was present, as follows :

Messrs. Ables, Angney, Batchelder, Battelle, Beaver, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelly, Lee, Lupton, Mace, Mahon, Mardis, Marston, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spillman, Steele, Tuttle, Tully, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb, and Mr. Speaker.

The Secretary of the Senate read the following Senate concurrent resolution No. 2, previously adopted by both Houses :

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly meet in Joint Convention in the Assembly Chamber, on Wednesday the fourth instant, at three o'clock p. m., to canvass the vote for Governor and Lieutenant-Governor.

Mr. Lupton of the Assembly moved the appointment of a committee of three to wait on the Secretary of State and request that he would transmit to the Convention any official returns that might have come to his possession.

The motion was adopted.

The President, on the part of the Senate, appointed Messrs. Mandeville, Lewis, and Belden.

The Speaker, on the part of the Assembly, appointed Messrs. Mace, Lupton, and Papy.

On motion of Mr. Mizner, two tellers from each House were appointed to count the votes.

Messrs. Mizner and Mace were appointed by the President of the Senate, and Messrs. Willets and Westmoreland were appointed by the Speaker of the Assembly.

Mr. Mandeville, from the joint committee appointed to wait on the Secretary of State, reported that that officer had already delivered all the official returns that had come into his possession to the Speaker of the Assembly.

THE VOTE COUNTED.

All the official returns received by the Speaker of the Assembly were then opened, and the vote certified in each to have been cast in the counties of the State respectively, was carefully added together and embraced in the following report of the tellers.

The tellers reported the number of votes cast for the office of Governor of the State of California, at a general election held in September, eighteen hundred and sixty-seven, as follows :

Henry H. Haight received.....	49,905
George C. Gorham received.....	40,359
Caleb T. Fay received.....	2,088
John Bidwell received.....	1
Frank M. Pixley received.....	1
Total.....	92,354

It appearing that Henry H. Haight had received a majority of all the votes cast, the Speaker of the Assembly declared that he was duly elected Governor of the State of California for four years next ensuing.

The tellers also reported that at said election the vote cast for the office of Lieutenant-Governor was as follows :

William Holden received.....	48,269
J. P. Jones received.....	44,584
Total.....	92,853

It appearing that William Holden had received a majority of all the votes cast for that office, the Speaker of the Assembly declared that he was duly elected Lieutenant-Governor of the State of California for the four years next ensuing.

The Joint Convention having accomplished the object for which it assembled, was dissolved, and the Senate returned to its own chamber.

IN SENATE.

President in the Chair.

Roll called.

Quorum present.

The President presented the following communication :

OFFICE OF THE CENTRAL PACIFIC RAILROAD COMPANY, }
Sacramento, December 4th, 1867. }

Hon. T. N. Machin, President of the Senate :

The Central Pacific Railroad Company of California respectfully desire, through you, to invite the members of the Senate and its officers, to an excursion on the Pacific Railroad over the summit of the Sierra Nevada Mountains, on Saturday next.

Respectfully, etc.,

LELAND STANFORD,
President Central Pacific Railroad Company.

The invitation was accepted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
December 4th, 1867. }

Mr. PRESIDENT:—I am directed by the Assembly to inform the Senate that the Assembly has this day adopted Assembly concurrent resolution No. 2, relative to appointing a joint committee to consult with the citizen's committee on the inauguration ceremonies.

WM. S. BYRNE,
Assistant Clerk.

The resolution above reported was considered and concurred in.

The President appointed on the part of the Senate, Messrs. Mandeville, Freeman, and Wolcott.

In consequence of this action it became unnecessary to continue a former committee appointed to act for the Senate in relation to the same subject, and consequently, on motion of Mr. Mandeville, it was discharged.

Mr. Hager offered a concurrent resolution to appoint a committee of three from each House to wait upon the Governor and Lieutenant-Governor elect, to inform them of their election and the time of inauguration.

The resolution was adopted, and under it the President appointed Messrs. Hager, Johnson, and Green, on the part of the Senate.

Mr. Mandeville moved to adjourn.

Lost.

GOVERNOR'S MESSAGE RESUMED.

The Senate resumed consideration of the Governor's message relative to the appointment of Jed. C. Butler, *vice* Wall, rejected.

Mr. Mandeville raised a point of order, which the President decided out of order, for the reason that it was but a repetition of a point involved in a decision sustained by a vote of the Senate growing out of the matter in debate.

For the purpose of correcting some possible misapprehension of the opinion of the Senate on the point of order decided by the Chair, the Speaker pro tem. (Mr. Ewer) moved a reconsideration of the vote by which the decision was declared to be the judgment of the Senate, and the vote was reconsidered.

The point of order on which the appeal was taken was again raised, and the President decided that a notice of a motion to reconsider the vote whereby the nomination of Wall was rejected, was in order, and should be entertained, and also that under the Rules of Order of the Senate such a motion precluded further present action upon the subject matter in the message under consideration.

The Senate, on motion of Mr. Mandeville, at four o'clock and thirty minutes P. M., adjourned.

T. W. MACHIN,
President of Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Thursday, December 5th, 1867. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Murch moved to reconsider the vote whereby the Senate refused to confirm the nomination of Joseph G. Wall.

Mr. Lewis raised a point of order, that as he had given previous notice of such motion, it was for him to elect when during the days of session to make the motion

The Chair (President pro tem.,) decided the point of order not well taken.

Mr. Lewis appealed from that decision to the Senate, and on the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and nays were demanded by Messrs. Pendegast, Lewis, and Heacock, and the decision sustained by the following vote:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Hunter, Johnson, Murch, Pearce, Perley, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, and Wadsworth—22.

NOES—Messrs. Conn, Curtis, Hager, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murphy, and Pendegast—10.

Mr. Murch moved the previous question.

So ordered.

The main question—the motion to reconsider the vote whereby Joseph G. Wall was rejected as a Brigadier-General—was put to the Senate.

On which, the ayes and noes were demanded by Messrs. Lewis, Shaw, and Murphy, and the Senate refused to reconsider its former action, by the following vote:

AYES—Messrs. Curtis, Hager, Johnson, Lawrence, Lewis, Murphy, Pearce, Pendegast, Rose, Saunders, and Shaw—11.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Hunter, McDougall, Mizner, Morrill, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, and Wadsworth—23.

Mr. Murch moved that the Senate proceed to consider the nomination of Jed. C. Butler as Brigadier-General.

Mr. Hager moved that the Senate take a recess.

On which, Messrs. Hager, Pearce, and Lawrence, demanded the ayes and noes, and the Senate refused, by the following vote:

AYES—Messrs. Conn, Curtis, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—16.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, and Wadsworth—18.

Mr. Pearce moved a call of the Senate.

The Senate refused, by the following vote, the ayes and noes having been demanded, by Messrs. Pearce, Pendegast, and Lewis :

AYES—Messrs. Conn, Curtis, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—15.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, and Wadsworth—20.

Mr. Belden moved that the Senate go into executive session.

Pending discussion thereon, the time fixed by concurrent resolution having arrived for the Senate to assist in the inauguration of the Governor elect, the Senate proceeded as a body to the Assembly Chamber.

IN JOINT CONVENTION.

The President pro tem. of the Senate, and the Speaker of the Assembly, presided.

The roll of the Senate was called by the Secretary, and a quorum, composed of the following Senators, was present :

SENATORS—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Shaw, Teegarden, Tubbs, Tweed, and Wadsworth.

The roll of the Assembly was called by the Clerk, and a quorum, composed of the following gentlemen, was present :

ASSEMBLYMEN—Messrs. Batchelder, Battelle, Beaver, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochrane, Coggins, Comte, Conly, Crigler, Cureton, Davis, Days, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Friesbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelly, Lupton, Mace, Mahon, Martin, Mattingly, McElbany, Meagher, Mentzell, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spillman, Steele, Tully, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb, and Mr. Speaker.

By direction of the President pro tem., the Secretary of the Senate read the following resolution :

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly meet in Joint Convention in the Assembly Chamber, at twelve o'clock M., on Thursday the fifth instant, to inaugurate the Governor and Lieutenant-Governor elect.

Adopted.

The President pro tem. of the Senate directed the Sergeant-at-Arms to notify the Governor and Lieutenant-Governor elect that the Joint Convention was organized and ready to receive them.

At one o'clock and thirty minutes P. M., the arrival of the expected personages was announced by the Sergeant-at-Arms, and the Governor elect, escorted by Governor Low, and the Lieutenant-Governor elect, escorted by Lieutenant-Governor Machin, entered the Assembly Chamber.

The proceedings commenced with a prayer by Rev. Mr. Anderson, Chaplain of the Assembly.

The President pro tem. informed the Convention that the oath of office would be administered by Justice Sawyer of the Supreme Court.

The Governor elect, standing at the right hand of the Speaker, then took the following oath :

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor of California according to the best of my ability, so help me God."

Justice Sawyer also administered a similar oath to the Lieutenant-Governor elect.

On motion of Mr. Mandeville, the Convention proceeded to the portico of the Capitol to hear the inaugural address of Governor Haight.

INAUGURAL ADDRESS.

FELLOW CITIZENS :

In assuming the office of Chief Magistrate, it becomes my duty, in accordance with usage, to indicate the policy which will govern me in the execution of this great trust.

I should do great injustice to my own feelings, did I not express my grateful sense of the regard and confidence shown me by my fellow citizens in the late election. Conscious of many deficiencies, and diffident of being able always to meet the expectations of the people, I shall promise nothing but a faithful endeavor to promote their interests, and ask nothing in return but confidence in the purity of my motives and purposes.

Before alluding to matters of local concern, the posture of national affairs renders it proper that I should express frankly certain views upon the great questions of public policy now pending before the country. They have been formed after much anxious reflection, and seem to me worthy of the consideration of all good citizens, without distinction of party. There is nothing which all of us have more at heart than the prosperity and true glory of our country, and the perpetuity of our free institutions; and those questions which relate most nearly to these great objects, demand our first and most earnest attention. It is not to be disguised that we have arrived at a critical period of our country's history, and that the capacity of the people for maintaining a constitutional government is being subjected to a severer test than ever before.

We ought to approach the consideration of the issues before us with charity for each other's opinions, mindful of our obligations as citizens of a common country; anxious, each and all, to maintain the Federal Constitution inviolate, and to preserve the Federal Union in the spirit of our fathers.

Whatever our party relations may be, our interests are inseparable, and our motives and objects should be identical. Political parties will exist in every country that is free; yet party spirit, when carried to excess, is the bane of republican governments and constantly endangers their stability. Blind prejudice for or against party names disqualifies men for the duties of good citizenship, because it paralyzes their judgments upon political questions. All parties, at some period of their career, commit errors, and infallibility cannot be predicated of any man or body of men. No party can justly claim a monopoly of patriotism or intelligence. The mass of all parties are sincere in their convictions, and honestly desire the real welfare of their country. Aspersions of motives and abusive epithets provoke recrimination, produce alienation and bitterness of feeling, and ought to be condemned by all good citizens.

At the time my predecessor was inaugurated, a gigantic civil war was in progress, which taxed the whole energies of the country. The people of the Southern States had rebelled against the authority of the Federal Government, and, instead of relying for redress of alleged grievances upon peaceful means, undertook to assert their independence by force of arms. After an arduous struggle of four years, the war was terminated by the complete triumph of the national forces and the suppression of the rebellion. Those in arms against the national authority surrendered without any conditions other than such as were agreed upon by the Generals in the field.

The right of secession claimed to exist by a portion of the people of the Southern States, was never recognized by the people of the Northern States, and has been extinguished finally and forever by the result of the war. Indeed, it cannot seem otherwise than strange that any persons could be found to advocate a doctrine so destructive of the ends of a federal government. A right of revolution exists always when oppression is practiced for which there is no other adequate redress; but the right of any member of the Union to withdraw at pleasure, and thereby extinguish federal authority over its citizens, could never be recognized without assenting to the practical repeal of the Constitution and the abolition of the Federal Government. No government existing by so frail a tenure could command respect at home or abroad. Such a doctrine needs no discussion before the people of California, for it has been expressly repudiated here by all political parties.

Not only has the war put an end to any claim of such right, but slavery also—the great subject of contention between the North and the South—has perished in the struggle, and can never, in any form, be revived. The object of the war upon our part being avowedly the enforcement of the laws and the preservation of the Union, it is a remarkable fact that, although the war was successfully closed two years and a half ago, the Union is, apparently, no nearer restoration to-day than in the spring of eighteen hundred and sixty-five. The reasons for this fact, and the effect of the policy pursued by Congress, I propose briefly to examine.

In order to arrive at correct conclusions on this subject, there must be a disposition to lay aside preconceived opinions, and, in a spirit of candid inquiry, to aim at forming a correct judgment as to what policy will promote the highest good of the whole people. This is the duty of every citizen, for upon the right solution of the questions involved may depend the preservation of the Union and the Government.

The love of country is justly extolled as one of the noblest feelings of

the human breast. In the mind of every American this feeling is strengthened not merely by a contemplation of the greatness of his country, its territorial extent and unexampled resources and progress, but by an appreciation of the beneficent system of government framed by the wisdom of our fathers, and which has been for more than three quarters of a century the admiration of the world.

No standard of valuation could express the worth of our free institutions, and language could hardly give an adequate idea of the sacrifices by which these institutions were purchased. Their excellence consists mainly in two elements: first, that they afford to the people the free choice of their rulers; and second, that under our system the powers of government are defined and limited by written Constitutions.

The forms of government which prevail in Europe are chiefly monarchical. The defect in such forms frequently consists not merely in lack of popular choice, but in lack of restraint upon the power of the monarch—unlimited power in the hands of a king; in other words, an absolute monarchy is a despotism which may be mild or cruel, according to the qualities and character of the sovereign. There is no intelligent reader of history who is not aware that an unlimited democratic government is more objectionable and dangerous than an absolute monarchy. It is a familiar saying, that one tyrant is preferable to a multitude. The object of checks and limitations under a republican government is to protect the minority from oppression by the majority.

It is stated by all intelligent writers that there is more danger of the overthrow of free governments by legislative usurpations than by any other cause. The reason is obvious. The very number of the legislative body destroys all sense of individual guilt or responsibility. The temporary majority claim to represent the will of the people, and under the leadership of extreme men, are prone to oppressive measures against the minority. The people are sometimes carried away by excitement and passion, and misled by designing politicians. They rarely fail, however, upon reflection, to see the right and correct their error.

The safety of our institutions consists in the virtue and good sense of the mass of the people, which will prevent them from pursuing any pernicious policy if they have sufficient time for reflection before the mischief becomes irreparable.

One object of constitutional limitation is to secure this time for passion to cool and for reason to prevail over prejudice. If, however, either the Legislature or Executive disregard the limits upon their power fixed by the people in the organic law, the whole virtue of our system is gone, and what we supposed to be a constitutional republic becomes the mere tyranny of a majority. Such a government would be the worst form of despotism, and hence the vital importance of confining the Legislature and Congress within the sphere of their constitutional powers. Upon this depends everything valuable in our institutions—the protection of our lives and property, and the security of our liberties. These fundamental principles cannot be too often repeated, or too deeply impressed upon the popular mind and heart.

It has of late been common to deride all appeals to the Constitution, and to speak of the powers of Congress as though Congress were the creator of the Constitution, instead of being its creature. Such sentiments tend to the destruction of the Government, for what is the framework of government but the Constitution? It is not the President, nor Congress, nor the Supreme Court, nor all combined. It is the written Constitution, adopted by the people as the organic law. Those who

advocate the doctrine that Congress can override the Constitution, or act "outside of the Constitution," or under the plea of necessity exercise powers not granted by that instrument, are aiding to establish a principle that will destroy whatever is sacred and valuable in our free institutions. Legions of armed foes could never accomplish so much to destroy this admirable framework of government which we have inherited from our fathers, and which we hope to transmit as a priceless legacy to our children.

In a strict adherence to the organic law is our only safety. There are certain personal rights secured by it for which we have no other guarantee whatever. One is the right to be tried by a jury for alleged criminal offences, which has justly been termed an inestimable right. It has from time immemorial been regarded as the palladium of civil liberty. Without it there is no security for a fair and impartial trial. The privilege of the writ of habeas corpus is another of those rights which affords a security against illegal imprisonment. This has been the boast of every lover of liberty in England and this country for centuries. The security of private dwellings against unreasonable search, the right to be protected against prosecutions for capital or infamous crimes, except upon presentment of a grand jury, the freedom of the press, and the subordination of the military to the civil authority, are also guaranteed by the fundamental law. These rights are as precious as life itself. Without them, life to a freeman would be of little value. Tens of thousands in all ages have preferred torture and death to a surrender of those personal rights which are so dear to the heart of every American. The only security for them, however, is to be found in the provisions of the Constitution, and in the determination of the people that those provisions shall be respected by their public servants in Congress and in all departments of the Government. It is useful to recur to elementary principles like these, which in times of excited passion are in danger of being lost sight of and undervalued; and no legislation which cannot stand the test of these principles ought to be countenanced for a moment by the people.

It has always been a political and legal axiom that the Federal Government is one of enumerated and delegated powers. It can exercise no powers except those expressly conferred, and such incidental ones as are necessary to the proper exercise of the powers granted. All powers not thus granted are reserved to the States or to the people. The powers delegated to the Federal Government are for certain specific purposes. The State Governments exercise all powers not prohibited to them by the State or Federal Constitution. The result is, that the several States have exclusive control of their local and domestic concerns, while certain enumerated national powers are intrusted to the Federal Government. Upon no other basis could our system permanently exist, for it would be idle to expect a Legislature, in a Capital three thousand miles distant, to legislate intelligently upon the local interests of the people of California. Upon local affairs, exclusive State authority, and upon national affairs, exclusive Federal authority, as defined and expressed in the Constitution, are the only conditions compatible with the perpetuity of the Union. A consolidated republic, with legislative power exercised at a distant Capital, would become odious to the people, and would fall to pieces by its own weight. A strict construction of the Federal Constitution, instead of weakening, strengthens the Union. The opposite construction leads to profligate legislation, to

interference with the domestic affairs of the States, and tends to alienate the affections of the people.

The late war was waged on our part to enforce the authority of the Federal Government in the Southern States and prevent the disruption of the Union, and not to destroy the liberties of any portion of the people, or create a negro empire on our southern border. At the commencement of the war Congress made a formal declaration of its object in a resolution that "the war was not waged on our part in any spirit of oppression, nor in any spirit of conquest or subjugation, nor for the purpose of overthrowing or interfering with the *rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and preserve the Union, with all the dignity, equality, and rights of the several States unimpaired.*"

This solemn pledge and declaration of the object of the war was repeated by the executive and legislative departments on various occasions, and cannot be violated without a breach of public faith and a stain upon our national honor.

In our diplomatic correspondence with foreign powers, it was declared explicitly that the suppression of the insurrection would leave the insurgent States with all their rights intact. An unvarying series of acts and declarations by the Executive and Congress, from the outbreak of the war to the present time, all proceed upon the hypothesis that the ten Southern States are not out of the Union, but States within the Union and within the pale of the Constitution.

Their separate State existence was recognized in the adoption of the Constitutional Amendment abolishing slavery; in official intercourse with the other States and the General Government; in the appointment and confirmation of judicial and other officers for them, and in the universal admission that they must be counted in determining whether the amendments last proposed have been adopted by a sufficient number of States.

The Acts of Congress admitting such of them as came into the Union subsequently to the adoption of the Federal Constitution stand unrepealed and irrevocable; some of them are of the original thirteen which achieved independence and organized the government.

Part of their sovereignty was delegated to the Federal Government for certain national purposes, but their existence as States cannot be destroyed by any lawful or constitutional authority.

We fought throughout the war on the side of the Government for the principle that their ordinances of secession were void, and that they were still subject to the Constitution and laws, and we establish our doctrine by the success of our arms.

If our doctrine was correct, and our declarations were true, we were not waging a war of conquest, but one for the maintenance of the Constitution and the enforcement of the laws.

Either they were and are in the Union as States, and their citizens bound to obey the Constitution, and entitled to protection under it, or they were and are out of the Union, and their people not bound to obey the Constitution, and not entitled to protection under it. If we admit this latter proposition, we admit that we have been waging a war of conquest for dominion, and not a war to *maintain the Constitution and preserve the Union*. Such an admission would dishonor us in our estimation and in that of the civilized world. The very acts of Congress which seek to ignore and extinguish the State Governments, recognize their existence by authorizing, in certain contingencies, Department Com-

manders to remove executive, legislative, and judicial officers of those States, and detail military officers to assume the functions of the persons so removed.

The reconstruction policy of Congress is embodied in several distinct measures, the principal ones of which are what are termed the Military Reconstruction Bills, one passed March second, eighteen hundred and sixty-seven, one passed March twenty-third, eighteen hundred and sixty-seven, and one passed July, eighteen hundred and sixty-seven, two years after the war had ended.

These enactments assume that ten of the Southern States are conquered territory, and proceed to divide them into five military districts, each under the command of a military officer not below the grade of Brigadier-General. They abolish in effect the right of trial by jury, and make the accused subject to trial by military commissions; they prohibit any interference by the State authorities, thereby abolishing the writ of habeas corpus; they ignore presentment by grand juries; they tacitly permit the suppression of public journals by military orders, and allow no appeal from military sentence except in capital cases, to the clemency of the President. They assume the control of the elective franchise, which the Constitution vests exclusively in the States; and after disfranchising a large class of the white population, confer the right of suffrage upon all negroes over twenty-one, without regard to qualifications for its intelligent exercise.

This is briefly the nature of the reconstruction policy of Congress. It takes from the white people of ten States their constitutional rights, and leaves them subject to military rule; and disfranchises enough white men to give the political control to a mass of negroes just emancipated and almost as ignorant of political duties as the beasts of the field.

In these measures Congress commits the solecism of legislating martial law; that is, under a constitutional government, in a period of profound peace, the national legislature enacts that in ten States of the Union there shall be no law but the will of the Department Commander, and that the political power in those States shall be given to the negroes, who can thereby control their domestic administration and send to Congress negro senators and representatives, to assist in making laws to govern the white people of the North. Thus, the reconstruction policy of Congress is the subversion of all civil government under military rule, the abolition of those personal rights guaranteed by the Constitution and held sacred since the Government was formed, the subjection of the white population of the Southern States, men, women, and children, to the domination of a mass of ignorant negroes just freed from slavery.

This policy sweeps away in ten States all safeguards of personal liberty, trial by jury, writ of habeas corpus, and security of private dwellings, and leaves every civil officer, executive, legislative, and judicial, to hold his position at the pleasure of the military.

It then confers the elective franchise on the blacks, and provides a system which gives them (though actually a minority) a voting majority over the whites, making those States, negro States; introducing the negro into federal office, and giving him power to participate in federal legislation. That any white man could be found on this continent to sanction a policy so subversive of rational liberty, and in the end so fatal to the Union and the Government, is a subject of unceasing astonishment.

These measures are a violation of the fundamental principles of the

Constitution and of liberty; of every dictate of sound policy; of every sentiment of humanity and of christianity; and are a disgrace to our country and to the age in which we live. In using this strong condemnatory language I am not insensible to the fact that thousands of good men appear to approve of the measures of Congress, nor do I presume to sit in judgment on their motives. Many of them, doubtless, are unconsciously influenced by the passions and resentments of the war, and in their anxiety to guard against an imaginary danger, sanction principles the tendency of which is subversive of republican institutions.

Others have accepted the representations of partizan leaders and presses without examining and judging for themselves.

I entreat all such to pause and ask themselves what good can possibly result from this policy, and where will it end? Do we indeed wish to enslave and degrade our fellow citizens of the southern States? Was it for this that we expended so lavishly our blood and treasure to preserve the Union? Neither our gallant soldiers nor the northern people ever cherished any design to oppress the southern people, nor to erect another St. Domingo on our southern border. A policy which has led the white population of ten States of the Union to consider the necessity of exiling themselves from the soil in which sleeps the dust of their kindred for generations, and which is hallowed by the patriotic deeds of an heroic ancestry and the associations of childhood and youth, is not a policy which ought to be adopted by a magnanimous and christian people; and this is proposed not against aliens, but against our own countrymen, bone of our bone, and flesh of our flesh, sons of sires who fought side by side with our own in the revolution, sons of patriots and statesmen who assisted to establish the foundations of the Government, and to whom we are in part indebted for the very liberties we now enjoy.

It is insisted by those who argue in favor of the reconstruction measures, that the southern people rebelled, and that rebels ought not to possess political rights or franchises; that the disloyal whites cannot be trusted, and that, therefore, the control should be given to the blacks.

The answer to this is plain. No man or class of men, under our form of government, can be deprived of rights or punished for crime except after a fair trial and conviction. We cannot overthrow republican government and civil liberty at the South without inflicting a fatal wound on our own liberties. We must trust the white people of those States with the right of self-government, unless we mean to abandon republican institutions altogether. Besides, it is not true that there is any disposition among the people of those States to repeat the experiment of secession. Their young men have been slaughtered, their country laid waste, and they left destitute of most of the comforts, and in some localities, of the very necessities of life. The cry for bread has come to us from their famishing households. They have in good faith submitted to the results of the war, and disclaim all idea of secession or of resistance to federal authority. Their right to be represented in Congress is an absolute right, guaranteed to them by the Constitution.

Citizens can be legally tried and punished for treason or for any other crime, but States cannot be deprived of representation without revolutionizing the Government. We have fought against the principle of secession, and have established the doctrine that no State can withdraw from the Union. These States are not out of the Union, unless we falsify all our professions during the war; and if they are in the Union, their representatives are entitled to admission to Congress. A congressional majority may choose to think their political opponents disloyal,

and, on that ground, attempt to exclude them from Congress, but it is evident that the Government could never long be administered in such a spirit or upon such principles.

One man may think every one a traitor who is opposed to permitting negroes or Chinamen to hold office or sit on juries. Another may think every man disloyal who is opposed to forcing negro suffrage upon all the States, in defiance of the Constitution. The late proceedings of Congress in the case of the representatives from Kentucky, illustrate the principle involved. The people of a State which has never seceded or rebelled, which furnished about as large a proportion of soldiers, and performed as much service, and suffered more loss for the Government than any northern State of equal population, by a decisive majority elected representatives to Congress who were refused seats by the dominant party, though no contestants appeared.

This proceeding was both an indignity and a wrong to the people of Kentucky, and a precedent full of evil import to every other State. It is not the right of a majority in Congress to dictate to the people of a State what representatives the latter shall elect, so long as those chosen have the qualifications prescribed in the Constitution. Beyond these, the people who elect are the exclusive judges; otherwise, the right of representation would be of little worth. Democratic representatives might be excluded this year, and republican representatives the next. Vermont and Massachusetts have no more right to prescribe tests of loyalty for representatives from Kentucky and California, than Kentucky and California have for Vermont and Massachusetts.

If, during the war of eighteen hundred and twelve, the representatives from Massachusetts had been denied admission to Congress for opposition to the war, or at a later period, on account of legislation nullifying the fugitive slave law, that State would have had just ground of complaint.

The fear of southern representatives is groundless. What is there in the crushed and subdued people of the southern States, with their slaves emancipated, which should excite any fear on the part of a powerful and victorious Government? It is inconceivable that any person should seriously apprehend resistance to federal authority for a generation to come, if the people of those States are not goaded to desperation by wanton persecution and oppression.

Had their representatives been admitted to Congress in December, eighteen hundred and sixty-five, quiet and harmony would have been restored long before this time, and industry would have revived there. Population and capital would have flowed in from the North and Europe, but neither population nor capital will trust themselves where civil rights exist only at the pleasure of the military, and the negro has political control.

The policy of Congress adds to the burdens of taxation by keeping on foot a large military force at the South, with the expensive machinery of Freedmen's Bureaus, and impairs public and private credit by creating a feeling of insecurity and apprehension for the future.

The policy or propriety of admitting the blacks to the right of suffrage belongs to each State to determine for itself. Had Congress been able to control this subject, both negro and Chinese suffrage would probably have been forced upon the people of California against the will of the vast majority. Ignorance of the effects of such legislation would have inflicted upon us evils absolutely intolerable.

So far as California is concerned, the people of this State have expressed

their opposition both to negro and Chinese suffrage. It is a question not of inalienable right, but simply of expediency. The question is, whether it will be for the greatest good of the greatest number to confine the elective franchise to the whites, or to extend it to the negroes and Chinese. A portion of those persons in this State who favor negro suffrage hesitate to advocate Chinese suffrage, but the congressional policy makes no distinction.

On the contrary, that policy proposes to ignore all discrimination in political privileges, founded on race or color. Indeed, there is no line that can be drawn, unless suffrage is confined to the white population. If it is a question of justice, as some assert, and justice requires the ballot to be given to the negro, then it equally requires the ballot to be given to the Chinaman. If the negro requires the ballot to protect himself, as others assert, then the Asiatic needs it to protect himself. There is, however, no truth in either statement. No principle of justice is involved any more than in the case of females or minors, or foreigners not naturalized. Nor does the negro need the ballot to protect himself any more than either of the other classes referred to; on the contrary, it is for the good of both of those races that the elective franchise should be confined to the whites. The aid of Africans and Asiatics would be an evil, and not a benefit. It would introduce the antipathy of race into our political contests, and lead to strife and bloodshed. The opposition to giving the negro and Asiatic the ballot is not based upon prejudice or ill will against those races, but upon a conviction of the evils which would result to the whole country from corrupting the source of political power with elements so impure.

It is not a sound reason for conferring the elective franchise upon negroes if it were true that they need more protection. Upon this theory, the more helpless and ignorant the negro is the more propriety there would be in admitting him to the ballot box and making him a legislator and a sovereign. Our free institutions rest upon the virtue and intelligence of the people, and upon these qualities is based the only hope of their preservation; but this doctrine of negro suffrage, so persistently advocated by senators and representatives in Congress, proposes as a basis for republican institutions, brutal ignorance and barbarism. So far from the ballot protecting the negroes, it would eventuate in their destruction. The effort to give it to them by military force has already created a feeling of hostility between them and the white population of the South. These inferior races have their civil rights, as all good men desire they should have. They can sue and defend in the courts; acquire and possess property; they have entire freedom of person, and can pursue any lawful occupation for a livelihood; but they will never, with the consent of the people of this State, either vote or hold office.

The foregoing views upon national affairs will, I trust, be received in the spirit by which they are prompted. The lives of individuals are brief when compared with those of nations like ours. But a few years, and we who are now bearing the responsibilities of American citizenship will have passed away, leaving to our successors a legacy of constitutional freedom, or a spirit of lawlessness and disregard of constitutional obligations which will lead to revolution and anarchy. We have a common country, whose past glories are our joint heritage, and whose destiny in the future, whether of glory or of shame, is the destiny of ourselves and of our children.

Let us treat our southern countrymen with that spirit of charity and

kindness which is our especial duty, considering that we are fully as liable to err as any other of our fellow men.

The subject of immigration and labor has engaged much attention in this State since the first organization of a State Government. Our distance from the sources of emigration, and the expense and difficulty of reaching California from the East and Europe, have prevented the increase of our laboring population as rapidly as was anticipated and desired, but while the increase of population will expedite the development of the resources of the State, it would not be wise statesmanship, in my judgment, to invite an immigration of Chinese or any other Asiatic race. Those races are confessedly inferior in all high and noble qualities to the American and European. It is the dictate of wisdom to seek the best material to populate a country. This course is for the highest good of the present and future generations.

No man is worthy of the name of patriot or statesman who countenances a policy which is opposed to the interests of the free white laboring and industrial classes. They constitute the body of the people; they sustain our free institutions; they carry forward our great public enterprises; they dig our canals, they build our railroads, cultivate our fields, explore the recesses of the earth in search of the precious metals; they fight our battles in war. It was their stubborn valor and self-sacrificing patriotism which in the late war saved the Government from destruction.

Their welfare ought to be guarded with jealous care by statesmen and legislators, for it is upon them that we must rely for the preservation of the Government. An additional influx of Chinese to compete with white laboring men in all industrial departments, ought to be discouraged by all lawful means. For the sake of some supposed advantage of cheap labor, such influx would inflict a curse upon posterity for all time. It would tend to discourage that immigration of white laborers from Europe and the Eastern States which is our great need and desire. It would be a short-sighted and selfish policy on the part of men of capital.

The completion of the Pacific Railroad will afford the laboring people of Europe and the Eastern States an opportunity to remove to this coast expeditiously, at a moderate cost, and they will flock hither if the avenues of labor are not filled by Mongolians. The lack of labor will then cease to be seriously felt. What we desire for the permanent benefit of California is a population of white men, who will make this State their home, bring up families here, and meet the responsibilities and discharge the duties of freemen. We ought not to desire an effete population of Asiatics for a free State like ours.

It is urged that this class of immigration should be permitted upon philanthropic grounds; but history and experience show that it is not the dictate of true philanthropy, or of sound policy, to locate together in one community races so radically dissimilar in physical, mental, and moral constitution, as the Caucasian and African, or Mongolian.

The attempt to mix these races is in contravention of natural laws. For mutual good, they should be allowed to remain separated in location. Observation proves that neither social virtue nor public order, neither christian civilization nor true progress is promoted by mingling these races in one community. Commercial intercourse will be mutually beneficial, but all attempts to make a national composite of such elements will be disastrous.

The passage of a law making eight hours a legal day's labor, in the absence of special contract, has been demanded with great unanimity by

the working classes, and a distinct pledge was given by both parties in the late canvass that such a law should be enacted. This pledge will doubtless be redeemed without delay.

The present Registry Law contains some unjust discriminations against naturalized citizens, confers too much power upon Boards of Registration, and is obscure in some of its provisions. No means should be neglected to insure the purity of the ballot-box, for that is the fountain of all political power; and, therefore, a Registry Law, just and simple in its provisions—one which would not disfranchise legal voters—would be acceptable to all classes. The objectionable features of the present law can doubtless be obviated by amendment.

The party which came into power in the late election gave to the people pledges of economy and retrenchment in public expenditure. The burdens of taxation press heavily upon the shoulders of the industrial classes. That those burdens have been unnecessarily increased by a vicious financial system adopted during the war, and by an unwise and oppressive revenue system, there is little doubt; but as these matters appertain to federal legislation, I shall not now discuss the defects of our present financial and revenue systems. Indeed, the large national debt contracted during the war, with our State, county, and municipal indebtedness, would make taxation burdensome with any revenue system that might be devised, and render it imperatively necessary that those entrusted with executive and legislative authority should steadfastly oppose any addition to our State indebtedness and any increase of the public burdens. No measure tending to add to the burdens of the taxpayers ought to receive the sanction of the Executive or Legislature. On the contrary, it is to be hoped that the Legislature will, by a short and economical session, make a large reduction in the public expenditure during the current fiscal year.

It is very certain, also, that if it were ever proper to donate public funds to corporations or to individuals, the present would be no time for such generosity. The public revenues should be sacredly devoted to the necessary expenses of the Government and to the reduction of the State debt. If the Executive or Legislature choose to make donations out of their private funds, they have a right to do so; but they are the mere agents of the people, and have no moral right to give away the money of their constituents, except in aid of certain great charities, which are the proper objects of public benefaction. Even in reference to these, when the State is largely in debt, the maxim of being just before being generous, ought to suggest prudence in giving.

On this subject I may be allowed to express my regret that the amendments to section twenty-six of Article IV of the Constitution, which were passed in eighteen hundred and sixty-two, restricting in certain particulars the powers of the Legislature, failed to obtain the requisite number of votes in the Legislature of eighteen hundred and sixty-three. Those amendments, in substance, if adopted, would be a step in advance toward a more sound and rational theory of legislation. The danger now and always is, not that we shall have too many checks upon legislative power, but that we shall have too few. The necessary objects of legislation are not numerous. It will be evident to any person, upon inspection of our volumes of session laws, that three fourths of those volumes, and more than three fourths of the time consumed at each session, have been occupied by special legislation not conducive to the public interests. Franchises instead of being granted by the Legislature, should be controlled by the local authorities under such provisions

in reference to public competition, and such limitation as to duration, as would subserve the interests of the public. All other objects aimed at by special enactment should be attained by general laws.

The general statutes of the State are in great need of revision, and a commission for this purpose would not involve burdensome expenditure, and would, if properly constituted, be of great service to the State. Such a commission, however, to be useful, should be composed of able lawyers, selected without reference to political opinions, or to any consideration except their fitness for this responsible duty.

Frequent official changes, in many instances, especially in judicial offices, have been found by experience to be detrimental to the public interests.

The opinion has been gaining ground that the desirable quality of independence in the judiciary will be best secured by substituting for the present system that which formerly existed, of appointing Judges to hold office during good behavior. Experience has satisfied most intelligent observers that the election of Judges by popular vote, for even so long a period as ten years, renders the judiciary too subject to be influenced by partisan clamor, and tends to destroy that firmness and independence so desirable upon the bench. The present system has the further effect of rendering the ablest lawyers indisposed to surrender their professional business for a judicial office, when the latter position is subject to expiration after a few years, and then to the contingencies of nominating conventions and political contests.

The reformation of our present defective State Prison system, and the organization of a State University, are objects of great public importance, the attainment of which I should be glad to facilitate in any way within my power.

In conclusion, I have only to add, that in the discharge of my official duties I shall hope for the aid and support of all good citizens, trusting for guidance and direction to that Divine Providence who holds the destinies of nations as of individuals in His sovereign control. It is only by obedience to His laws, and reverence for His authority, that private citizens and public officers can expect permanent happiness and success in either public or private life.

After the address the Convention re-assembled, and the object for which it assembled having been accomplished, it dissolved, the Senate retiring to its chamber.

IN SENATE.

The Senate met at two o'clock and forty-five minutes P. M.

President in the Chair.

Roll called.

Quorum present.

Mr. Pearce moved that a committee be appointed to wait upon the Lieutenant-Governor, and inform him the Senate was ready to receive him.

Messrs. Pearce, Johnson, and Rose, composed the committee.

Shortly afterward, the committee returned escorting Lieutenant-Governor Holden.

Being received, ex-Lieutenant-Governor Machin said :

SENATORS:—I have the honor of introducing to you the Honorable William Holden, Lieutenant-Governor of the State of California and President of the Senate.

Whereupon Lieutenant-Governor Holden delivered the following address :

ADDRESS OF LIEUTENANT-GOVERNOR.

SENATORS :—Having been elected by the free voters of this State to the office of Lieutenant-Governor, and having cheerfully taken the oath of office prescribed by our organic law, to support the Constitution of the United States and of this State, and to faithfully perform the duties of my office, I enter upon the discharge of these duties with a full knowledge of the responsibility of my position and the obligation my oath has placed me under to the people of this State, to perform these duties faithfully and honestly. In presiding over the deliberations of this body, although elected as a partisan, as all officers of a political nature are, I earnestly hope that in the interpretation of the rules you have adopted for your guidance no considerations of a political nature will ever induce me to knowingly violate in the least the oath I have to-day taken. You have made your rules. I will enforce them, though it do strike down the dearest personal or political friend I may have on this floor. To the able and experienced Senators I see before me it would seem almost useless to suggest how much the dispatch and correctness of business depends upon a strict construction and rigid enforcement of the rules you have adopted for your government. I shall, therefore, confidently rely upon the hearty co-operation of the members of this body, acting like myself under the solemnities of an oath, to cheerfully aid me in the enforcement of these rules, that we may not only do credit to ourselves as a body, but advance the material interest of the Commonwealth. Being a legislator only in a limited sense, and not being by the law permitted to mingle in debate, I avail myself of this opportunity to return through you, to the people of this State, my sincere thanks for the distinguished honor they have conferred upon me, and to assure them that no act of mine shall ever prove that their confidence has been misplaced.

The recent elections, not only in our own but in our sister States, have demonstrated to the world that the American people, though at times led astray by excitement, are deeply impressed with an earnest devotion to constitutional liberty, and that, at their "second sober thought," they are ever ready to rectify the wrongs committed under unusual and extraordinary excitement; hence, while I earnestly hope that laws passed, under such circumstances, of a proscriptive character, requiring unusual tests from eminent and worthy persons as a condition to engage in their legitimate business, may be repealed, I as earnestly hope that no measures of a retaliatory nature may be passed or attempted, for such would be violations of the plainest principles of wise statesmanship, as well as the Christian virtues. I would not throw a doubt upon the integrity of this body, elected when or by whom it may have been, by even suggesting that it were possible for it to fail to carry out the known wishes of the people it represents, as clearly and emphatically manifested in our late elections. Obedience to the wish of the majority, expressed in a constitutional manner, and not violative of its provisions, is so clearly the quintessence of republican institutions, that he or they who fail to heed that wish, when thus expressed, have but little cause to boast of patriotism or devotion to principle. With the Constitution of the United States defining the powers granted by the States to the Federal Government, and those prohibited to the States in the one hand, and the Constitution of our State limiting the powers of the Legislature in the

other, together with an honest determination to advance the material interests of a confiding constituency, it will be impossible in our Legislature to materially err. If restrained within these limits, no power on earth has a right to question our acts, because one sovereign cannot question the acts of another. If governed by an earnest desire to lighten the burdens of taxation, to advance the interest of the laboring classes, and to ameliorate the condition of the inmates of our asylums, you will receive the sincere thanks of a generous people.

If proper measures are adopted to induce immigration, your hills and your valleys will be settled by the hardy sons of the green Isle of Erin, the sea-girt shores of England, the sunny plains of France, the mountains of Switzerland, and the low lands of Holland. Your mountains will yield up their treasure, "the wilderness and the solitary places shall be glad for them, and the desert will rejoice and blossom as the rose." The first rays of the morning sun shall tinge the spires of a thousand temples of learning; the songs of civilization shall regale the ear at every turn in life; instead of the crescent shall wave the banner of the cross; instead of the pagoda shall rise temples in which to worship the ever living God. If you encourage our agricultural interest, the mother of commerce and the mechanic arts, the joyous hum of the workshop will greet your ears, and our sails bearing our produce to distant climes will whiten every ocean. In the conflict of opinion which will inevitably arise in the discussion of questions upon which Senators may honestly differ, if the same charity is extended to others as is demanded by each, when our labors are brought to a close and the gavel falls dissolving this body, the most kindly feelings may exist between its departing members, and in after life our minds may revert back to the time spent here as the brightest oasis in the dreary pilgrimage of life.

Mr. Pearce offered the following resolution :

Resolved, That the thanks of this body be tendered to ex-Lieutenant-Governor Machin for the courteous, efficient, and impartial manner in which through his official term he has presided over this Senate.

Adopted unanimously.

On motion of Mr. Shaw, the Secretary was directed to engross a copy of the above resolution and present it to ex-Lieutenant-Governor Machin.

Mr. Murch moved the Senate go into executive session.

Mr. Pearce moved to adjourn,

On which, the ayes and noes being demanded, by Messrs. Murch, Heacock, and Belden, the Senate refused, by the following vote :

AYES—Messrs. Curtis, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—14.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, and Wadsworth—19.

Mr. Mizner moved the previous question.

Mr. Pearce moved a call of the Senate.

On which, the ayes and noes were demanded, by Messrs. Hager, Pearce, and Pendegast, and the motion was lost, by the following vote :

AYES—Messrs. Curtis, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—13.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, and Wadsworth—19.

Mr. Hager moved to adjourn.

On which, the ayes and noes were demanded, by Messrs. Hager, Pearce, and Lewis, and the motion was lost, by the following vote:

AYES—Messrs. Curtis, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—14.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, and Wadsworth—19.

Mr. Mizner's motion for the previous question being sustained, it was put and carried, by the following vote, the ayes and noes being demanded, by Messrs. Mizner, Chappell, and Morrill:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, and Wadsworth—19.

NOES—Messrs. Curtis, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—14.

Several motions and questions of order were put exciting much debate, terminating in a motion by Mr. Mandeville that the whole subject matter of the confirmation of the nomination of Jed C. Butler as a Brigadier-General, be postponed for consideration at twelve o'clock M., to-morrow.

Mr. Murch demanded the previous question.

On which, the ayes and noes were demanded, by Messrs. Murphy, Lewis, and Pendegast, and it was sustained, by the following vote:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—20.

NOES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, and Rose—15.

On adopting the motion of Mr. Mandeville, the ayes and noes were demanded, by Messrs. Mandeville, Green, and Lewis, and the Senate refused, by the following vote:

AYES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—16.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—20.

Mr. Lewis moved to adjourn.

Whereupon, the ayes and noes were demanded, by Messrs. Murphy, Lewis, and Pendegast, and the Senate refused to adjourn, by the following vote :

AYES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—16.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—20.

The Senate came to a direct vote on the motion of Mr. Belden, that the Senate do advise and consent to the appointment of Jed. C. Butler as Brigadier-General.

The ayes and noes being demanded, by Messrs. Lewis, Rose, and Murphy, the motion prevailed, by the following vote :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Lewis, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—21.

NOES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—15.

RESOLUTIONS.

The rules were suspended, and Mr. Wadsworth offered the following resolution :

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to receipt to the Controller of State for all warrants for per diem and mileage of the Lieutenant-Governor and members of the Senate, and for per diem of officers and attachés of the Senate.

Adopted.

Mr. Lewis offered the following resolution :

Resolved, That the Sergeant-at-Arms be directed to furnish each member, the Lieutenant-Governor, the Secretary of the Senate, and the Sergeant-at-Arms, with twenty-five dollars' worth of postage stamps or express envelopes, to be paid out of the Contingent Fund of the Senate.

The motion was amended on motion of Mr. Mizner, by inserting the words "in currency" after the words "twenty-five dollars," and adopted.

Mr. Lawrence offered the following resolution :

Resolved, That the Sergeant-at-Arms be directed to furnish each member of the Senate with five daily newspapers published in this State, or their equivalent in weeklies.

Adopted.

Mr. Pratt offered the following resolution :

Resolved, That one week's pay as Sergeant-at-Arms, and mileage from Napa, be allowed John H. Moran for services during the organization of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Wolcott offered the following resolution :

Resolved, That one week's pay as Minute Clerk, and mileage from San Francisco to the Capital, be allowed Martin Rowan, for services during the organization of the Senate, payable out of the Contingent Fund of the Senate, and the Controller is authorized to draw his warrant for the same.

Adopted.

MOTION TO RECONSIDER.

Mr. Pearce, in accordance with notice previously given, moved to reconsider the vote whereby the Senate advised and consented to the appointment of George S. Evans as Adjutant-General, by Governor Low.

Mr. Lewis proposed to make the motion the special order for Tuesday at twelve o'clock M.

On this motion, the ayes and noes were demanded, by Messrs. Mizner, Ewer, and Pendegast, and the Senate refused to adopt it, by the following vote :

AYES—Messrs. Curtis, Freeman, Green, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, and Shaw—17.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, and Wolcott—19.

On motion of Mr. Johnson, at four o'clock and thirty minutes P.M., the Senate adjourned.

T. N. MACHIN,
Retiring President of the Senate, and

WILLIAM HOLDEN,
President elect.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Friday, December 6th, 1867. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Mr. Mizner, the reading of the minutes of yesterday was dispensed with.

The President announced the following appointments :

Porters—J. J. Thomas, and John O'Connel.

Post Office Page—Master Walter Welburn.

Paper Folder—Columbus Powning.

Pages—Masters Louis Berger, and Henry Smith.

RESOLUTIONS.

The rules were suspended, and Mr. Lewis offered the following resolution:

Resolved, That Henry Clay McGuire be and is hereby appointed a Page of the Senate, and that he be allowed the same per diem as allowed to the other Pages of this body.

Adopted.

Mr. Pratt offered the following resolutions:

Resolved, That one week's pay as Assistant Sergeant-at-Arms be allowed James Lane.

Resolved, That one week's pay, payable out of the Contingent Fund of the Senate, be allowed the late President for his services in the organization of this body.

Laid on the table.

REPORT.

Mr. Heacock, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage submit the following report, which is based upon the legal distances from the various county seats to the Capital, adding to or deducting from that distance as the Senator resides nearer or further than the county seat from the Capital:

Names.	Miles.	Amounts.
Machin.....	262	\$52 40
Banning.....	1,066	213 20
Belden.....	130	26 00
Bradley.....	138	27 60
Ewer.....	150	30 00
Freeman. . .	760	152 00
Hager.....	234	46 00
Hardy.....	180	36 00
Johnson.....	100	20 00
Mizner.....	180	36 00
Murphy.....	650	130 00
Pearce.....	260	52 00
Pratt.....	220	44 00
Robinson.....	268	52 00
Shaw.....	234	46 80
Teegarden.....	100	20 00
Tubbs.....	234	46 80

Names.	Miles.	Amount.
Wadsworth.....	700	140 00
Wolcott.....	230	46 00
Beach.....	100	20 00
Conly.....	244	48 80
Green.....	262	52 40
Mandeville.....	230	46 00
Pendegast.....	120	24 00
Roberts.....	130	26 00
Perley.....	70	14 00
Rose.....	100	20 00
Chappell.....	370	74 00
Conn.....	1,200	240 00
Hunter.....	110	22 00
Kincaid.....	280	56 00
Lawrence.....	290	58 00
Lewis.....	290	58 00
Morrill.....	120	24 00
Murch.....	950	190 00
Tweed.....	70	14 00
Saunders.....	234	46 80
McDougall.....	384	76 80
Holden.....	420	84 00

HEACOCK, Chairman.

RESOLUTIONS.

The rules were again suspended, and Mr Lewis offered the following resolution :

Resolved, That the Sergeant-at-Arms be required to furnish the reporters of the press with such stationery as is required by them.

Adopted.

Mr. Ewer offered the following resolution :

Resolved, That Benjamin Turner, and William Gault, be and they are hereby allowed one week's pay as Porters of the Senate, and the Controller of State is hereby authorized to draw his warrant on the Treasury for the same.

Adopted.

Mr. Murch offered the following resolution :

Resolved, By the Senate, the Assembly concurring, that the Secretary of the Senate, and the Clerk of the Assembly, be and they are hereby authorized to have the numbers and titles of the bills on the general file of the Senate and Assembly printed every day, and the Sergeant-at-Arms be required to have the usual number distributed on the desks every morning.

Adopted.

Mr. Wadsworth offered the following resolution :

Resolved, That the Sergeant-at-Arms be authorized to procure suitable office room for the Journal, Engrossing, Enrolling, and Copying Clerks, at as reasonable rate as possible.

Adopted.

MESSAGES FROM THE GOVERNOR.

The following messages from Governor Low, previously not acted upon, were read to the Senate :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, December 4th, 1867. }

To the Senate of the State of California :

I have to inform your honorable body that since the adjournment of the sixteenth session of the Legislature, the following officers have been appointed by me :

Harvey Lee, District Judge of the Sixteenth Judicial District ;

Theron Reed, District Judge of the Sixteenth Judicial District, *vice* Lee, deceased ;

O. L. Mathews, County Judge, Inyo County ;

L. F. Henmiston, County Judge, Kern County ;

Joseph G. Treadway, County Judge, Colusa County, *vice* Dunlap, deceased ;

Joseph Almy, County Judge, Marin County, *vice* Steele, resigned ;

Stephen G. Nye, County Judge, Alameda County, *vice* Hamilton, resigned ;

A. T. Bruce, County Judge, Lassen County, *vice* Harrison, resigned ;

W. P. Blake, Commissioner to the Paris Exposition, *vice* W. B. Ewer, who declined ;

William G. Wood, Clerk of the Supreme Court, *vice* Harriman, resigned ;

John Prentice, State Locating Agent of the Sacramento Land District ;

James E. Hale, Reporter of Supreme Court, *vice* Tuttle, resigned.

FRED'K F. LOW,
Governor.

Also, a message from Governor Low, transmitting a statement of his expenditures from the Governor's Special Contingent Fund for the seventeenth and eighteenth fiscal years.

On motion of Mr. Lewis, the foregoing messages were laid on the table.

The following message was received from Governor Haight :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, December 6th, 1867. }

To the Senate of the State of California :

I have this day appointed Edward R. Taylor, private Secretary to the Governor. All communications from this department will be presented to your honorable body through him.

H. H. HAIGHT,
Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,
December 4th, 1867. }

Mr. PRESIDENT:—The Assembly, this day, adopted Assembly concurrent resolution No. 3, relative to joint committee on printing Governor's message; and in conjunction with the resolution, the Speaker has appointed Messrs. Payne, Smith, and Broderson;

Also, this day, adopted Assembly concurrent resolution No. 5, relative to inaugural expenses;

Also, this day, concurred in Senate concurrent resolution No. 3, relative to meeting in Joint Convention, at twelve o'clock M., on Thursday the fifth instant, to inaugurate the Governor and Lieutenant-Governor elect;

Also, concurred in Senate concurrent resolution No. 4, relative to appointing a joint committee to wait upon the Governor and Lieutenant-Governor elect, to inform them of their election and the time of their inauguration;

Also, this day, adopted Assembly concurrent resolution No. 4, relating to joint committee to wait on the Governor and Lieutenant-Governor elect, and inform them of their election; and in conjunction with the resolution, the Speaker has appointed Messrs. Watson, Scudder, and Dwinelle.

WM. S. BYRNE,
Assistant Clerk.

ASSEMBLY CHAMBER,
December 4th, 1867. }

Mr. PRESIDENT:—I am instructed to inform your honorable body that the House is now ready to receive the Senate, for the purposes of inauguration of the Governor and Lieutenant-Governor elect;

Also, on yesterday, adopted Assembly concurrent resolution No. 6, relative to printing the Governor's inaugural address;

Also, this day, report back, amended, Senate concurrent resolution No. 5, relative to adjournment.

WM. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly concurrent resolution No. 3, above reported, was concurred in.
Assembly concurrent resolution No. 4, above reported, was concurred in.
Assembly concurrent resolution No. 5, above reported, was concurred in.
Senate concurrent resolution No. 5, above reported, with an amendment, was laid on the table.

Assembly concurrent resolution No. 6, above reported, was concurred in.

INTRODUCTION OF BILLS.

The rules were suspended, and Mr. Teegarden had leave to introduce a bill for an Act to provide for purchasing postage stamps and express envelopes for the members and officers of the Legislature.

Read first and second times, amended on motion of Mr. Roberts, rules suspended, considered engrossed, read third time, and passed.

RESOLUTIONS.

The rules were again suspended.

Mr. Pratt introduced the following resolution :

Resolved, That Rolla Fuller and Bernard Steinman be allowed one week's pay as Post-Office Page and Paper Folder of the Senate, payable out of the Contingent Fund ; and the Controller of State is hereby authorized to draw his warrant for the several sums.

Adopted.

Mr. Lewis introduced the following resolution :

Resolved, That when the Senate adjourns it adjourn to meet on Tuesday, December tenth, at one o'clock P. M.

Mr. Shaw moved to amend by striking out Tuesday and inserting Monday.

Mr. Lawrence offered, as a substitute, a concurrent resolution to adjourn to the time named in the original resolution.

Adopted by the following vote, the ayes and noes being demanded by Messrs. Murphy, Pratt and Belden :

AYES—Messrs. Belden, Bradley, Chappell, Conly, Curtis, Freeman, Green, Hager, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Morrill, Murphy, Pearce, Pendegast, Perley, Roberts, Rose, Saunders, Tweed, Wolcott—24.

NOES—Messrs. Beach, Ewer, Hardy, Mizner, Murch, Pratt, Teegarden, Tubbs, Wadsworth—9.

On the passage of the resolution the ayes and noes were demanded by Messrs. Ewer, Pearce and Johnson, and it passed by the following vote :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Freeman, Green, Hardy, Heacock, Hunter, Kincaid, Lawrence, McDougall, Mizner, Murphy, Pendegast, Perley, Pratt, Roberts, Saunders, Teegarden, Tubbs, Tweed, Wolcott—25.

NOES—Messrs. Ewer, Hager, Johnson, Lewis, Morrill, Murch, Pearce, Robinson, Shaw, Wadsworth—10.

NOTICES.

Notices of the introduction of bills were given as follows :

By Mr. Lewis—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes

By Mr. Pendegast—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

RESOLUTIONS.

Mr. Ewer (by leave) introduced the following resolution :

Resolved, That the Standing Committee of the Senate on Contingent Expenses consist of Messrs. Wadsworth, Lewis, Green, Bradley and Heacock.

The resolution was amended, on motion of Mr. Johnson, by striking out his name and inserting that of Mr. Lewis.

Adopted.

Mr. Roberts had leave to introduce the following:

Resolved, That one week's pay be and the same is hereby allowed to Willie Ormsby for services as Page to the Senate during the preliminary organization of the present session, payable out of the Contingent Fund of the Senate.

Adopted.

The following resolution was introduced, on leave, by Mr. Heacock:

Resolved, That one week's pay, as Assistant Clerk at the desk, be allowed W. A. Selkirk for attendance to assist the organization of the present session of the Senate, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses, together with all other resolutions allowing pay to officers and attachés during the preliminary organization.

Leave was granted to Mr. Roberts for the following:

Resolved, That Messrs. Lawrence and Tweed be and they are hereby appointed members of the Committee on Public Printing.

Adopted.

NOTICE.

Mr. Roberts gave notice of a bill for an Act to provide for the conversion of all legal tender notes in the State Treasury into gold-bearing interest bonds of the United States.

Mr. Belden renewed the motion that when the Senate adjourn it adjourn till Tuesday next at one o'clock P. M.

The ayes and noes were demanded by Messrs. Johnson and Hager, and the Senate refused to adopt it by the following vote:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Green, Hardy, Mizner, Murch, Pratt, Roberts, Teegarden, Tubbs—13.

NOES—Messrs. Curtis, Ewer, Freeman, Hager, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murphy, Pearce, Pendegast, Perley, Robinson, Saunders, Tweed, Wadsworth, Wolcott—21.

LEAVE OF ABSENCE.

Messrs. Bradley, Chappell, Belden, Pratt, Green and Conly had leave of absence granted them for Monday next.

SALUTE TO THE SENATE.

The McMahon Grenadiers, through General Thomas N. Cazneau, ten-

dered a military salute to the Senate in front of the portico of the Capitol, which the Senate consented to receive after adjournment.

IN MEMORY OF SENATOR KNOX.

Mr. Belden offered the following resolutions in honor of the memory of William F. Knox, Senator from Santa Clara, deceased during his term of office :

Resolved, That in the death of the Hon. William F. Knox, late a member of this body from the Seventh Senatorial District, the State of California loses an enterprising and useful citizen, and this Senate an able and efficient member.

Resolved, That we deeply sympathize with the afflicted family of the deceased in their bereavement, and convey to them our assurances of respect and esteem for the memory of our departed associate.

Resolved, That, in respect to his memory, this body do now adjourn.

Adopted.

In further testimony of respect to the memory of the deceased Senator, on motion of Mr. Curtis, the Senate stood while the roll was called on the passage of the resolutions.

The resolutions were adopted by the following vote :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, McDougall, Mizner, Morrill, March, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott.

The passage of the foregoing resolutions occurred at twelve o'clock and twenty minutes P. M.

Adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER. }
Monday, December 9th, 1867. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journals of Thursday and Friday, fifth and sixth instant, read and approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Banning and Conn.

Messrs. Rose, Pendegast and Murphy had leave to be recorded as present at roll call.

PETITION.

Mr. Pearce offered a petition for the repeal of an Act amendatory of an Act concerning hogs found running at large in certain counties therein named.

Mr. Wadsworth, from the Committee on Contingent Expenses, made a report awarding pay to certain persons therein named.

On motion of Mr. Mandeville, the report was recommitted, with instructions to report specially on the service rendered by W. A. Selkirk.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
December 6th, 1867. }

MR. PRESIDENT: I am directed by the Assembly to inform the Senate that the Assembly has this day passed Assembly Bill No. 1—An Act to provide for the purchasing of postage stamps and express envelopes for members and officers of the Legislature at its seventeenth session.

WM. S. BYRNE,
Assistant Clerk.

Assembly Bill No. 1, above reported, was read first and second times, and laid on table.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mizner—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and of the Acts amendatory thereof and supplementary thereto.

Read first and second times, and referred to Judiciary Committee.

By Mr. Conly—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Acts supplemental thereto and amendatory thereof.

The bill was read first and second times by title.

Mr. Lewis moved to suspend the rules and consider the bill now.

Lost.

The bill was placed on file.

By Mr. Lawrence—An Act repealing an Act entitled an Act imposing further duties upon the Board of Supervisors of the County of Mariposa.

Read first and second times, and referred to Mariposa delegation.

By Mr. Ewer—An Act to confirm and legalize the assessment roll of Butte County for the year eighteen hundred and sixty-seven.

Read first and second times, and placed on file.

By Mr. Mandeville—An Act to provide for the payment of certain unredeemed State indebtedness.

Read first and second times, and laid on the table.

By Mr. Murphy—An Act to settle the title to lands in the Town of San Luis Obispo.

Read first and second times, and placed on file.

By Mr. Roberts—An Act to limit the hours of labor.

Read first and second times, and placed on file.

By Mr. Wolcott—An Act to authorize the Clerk of Mono County to act as County Superintendent of Common Schools.

Read first and second times, and referred to Tuolumne and Mono delegations.

NOTICES AND RESOLUTIONS.

Mr. Robinson gave notice of the introduction of a bill to repeal the law requiring school teachers to take the oath of allegiance.

Mr. Heacock offered the following:

Resolved, That the following Standing Committees of the Senate be and the same are hereby appointed:

ON JUDICIARY.

Messrs. Belden, Heacock, Tweed, Wolcott, Pratt, Hager, Curtis, Pearce and Saunders.

ON ENGROSSMENT.

Messrs. Wadsworth, Rose, Bradley, Hunter, Pendegast and Banning.

Mr. Mandeville moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Murphy, Mandeville and Lawrence.

The vote was as follows:

AYES—Messrs. Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Murphy, Pearce, Pendegast, Rose, Shaw—11.

NOES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—17.

The resolutions were made the special order for to-morrow at twelve o'clock M.

Mr. Mandeville offered a concurrent resolution for the appointment of a committee of three from each House to consider proposals for the translation of the laws into Spanish.

An amendment, that the committee in each House be appointed by its presiding officer, was accepted.

The resolution was adopted.

Mr. Robinson gave notice of an amendment to Rule No. 52.

Laid over one day.

Mr. Shaw gave notice of a joint resolution, instructing our Senators and Representatives in Congress to urge the immediate acquisition by the Government of the United States of all vacant Mexican territory north of the twenty-sixth degree of north latitude.

Also, a bill for an Act to establish the University of California.

Also, an Act to create the office of Warden of the State Prison, and to better define the duties of the Lieutenant-Governor.

Also, an Act to increase the number of Supervisors in the City and County of San Francisco to twenty-four, and provide for the election of one half thereof by the city and county at large.

Also, an Act concerning the Yosemite Valley.

Also, an Act to prohibit demands for gauging native wines and liquors, except on request of the owners.

By Mr. Lawrence—An Act amendatory of an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

By Mr. Morrill—An Act relative to the salaries of certain officers of Calaveras County.

By Mr. Mandeville—A resolution to appoint Bernard Steinman, Porter for the Senate Committee rooms.

Mr. Chappell moved to strike out the name of Bernard Steinman and insert Rolla Fuller.

The resolution was laid on the table.

UNFINISHED BUSINESS.

The motion of Mr. Pearce to reconsider the vote whereby the Senate advised and consented to the appointment of George S. Evans, as Adjutant General, coming up in its order, on motion of Mr. Murch, it was made the special order for Wednesday next at one o'clock p. m.

There being no further business, the Senate, on motion of Mr. Mandeville, adjourned at twenty minutes past twelve o'clock m.

WILLIAM HOLDEN,

President of the Senate. .

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Tuesday, December 10th, 1867. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Leave of absence was granted for the day to Mr. Pratt.

Journal read, and its approval suspended till to-morrow.

REPORT.

Mr. Wadsworth made the following report :

MR. PRESIDENT: The Committee on Contingent Expenses, whose report on the claims of temporary officers was recommitted, would report the same back without amendment, and recommend its adoption.

WADSWORTH, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
December 10th, 1867. }

Mr. PRESIDENT: I am directed by the Assembly to inform the Senate that the Assembly, on yesterday, concurred in Senate Concurrent Resolution No. 7, relative to general file.

W. S. BYRNE,
Assistant Clerk.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Robinson—An Act to repeal an Act concerning teachers of common schools in this State, approved April twenty-seventh, eighteen hundred and sixty-three, amended March eighteenth, eighteen hundred and sixty-four.

Read first and second times, and placed on file.

NOTICES OF BILLS.

By Mr. Conly—An Act concerning the military of the State of California, approved April second, eighteen hundred and sixty-six.

Also, a bill to re-enact an Act in relation to the militia of the State, approved May ninth, eighteen hundred and sixty-one.

By Mr. Pendegast—An Act entitled an Act to authorize W. G. Hunt, L. M. Curtis and others to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County, approved March thirty-first, eighteen hundred and sixty-six.

Mr. Johnson offered an amendment to rule eighteen of the Standing Rules of the Senate.

Laid over one day.

By Mr. Robinson—An Act to protect bona fide claimants of homesteads, who are joint tenants, to the extent of their interest.

BILL INTRODUCED.

The rules were suspended.

Mr. Mandeville had leave to introduce a bill for an Act to improve the Tuolumne and Merced Rivers.

Read first and second times, and laid on the table.

STANDING COMMITTEES.

Mr. Roberts offered the following resolution:

Resolved, That the following Standing Committees of the Senate be and the same are hereby appointed, to wit:

ON JUDICIARY.

Messrs. Belden (Chairman), Heacock, Tweed, Wolcott, Pratt, Hager, Curtis, Pearce and Saunders.

ON CLAIMS.

Messrs. Ewer (Chairman), Beach, Bradley, Morrill and Freeman.

ON FINANCE.

Messrs. Tubbs (Chairman), Ewer, Hardy, Shaw and Rose.

ON ELECTIONS.

Messrs. Robinson (Chairman), Hardy, Murch, Pendegast and Rose.

ON PUBLIC LANDS.

Messrs. Wolcott (Chairman), Chappell, Pratt, Hunter and Murphy.

ON COMMERCE AND NAVIGATION.

Messrs. Mizner (Chairman), Shaw, Green, Pratt and Saunders.

ON FEDERAL RELATIONS.

Messrs. Roberts (Chairman), Wolcott, Wadsworth, Pearce and Mandeville.

ON STATE HOSPITALS.

Messrs. Teegarden (Chairman), Wadsworth, Perley, Johnson and McDougall.

ON MINES AND MINING INTERESTS.

Messrs. Hardy (Chairman), Conly, Murch, Roberts, Johnson, Rose and Mandeville.

ON STATE PRISON AND PRISON BUILDINGS.

Messrs. Green (Chairman), Chappell, Wolcott, Ewer and Saunders.

ON EDUCATION.

Messrs. Robinson (Chairman), Roberts, Tweed, Hager and Johnson.

ON STATE LIBRARY.

Messrs. Heacock (Chairman), Ewer and Curtis.

ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Bradley (Chairman), Conly, Teegarden, McDougall and Pendegast.

ON CORPORATIONS.

Messrs. Pratt (Chairman), Tubbs, Tweed, Curtis and Saunders.

ON AGRICULTURE.

Messrs. Perley (Chairman), Teegarden, Robinson, Conn and McDougall.

ON ROADS AND HIGHWAYS.

Messrs. Conly (Chairman), Murch and Pearce.

ON MILITARY AFFAIRS.

Messrs. Banning (Chairman), Mizner, Roberts, Lewis and Kincaid.

ON PUBLIC EXPENDITURES.

Messrs. Beach (Chairman), Chappell, Hardy, Lawrence and Morrill.

ON PUBLIC MORALS.

Messrs. Tweed (Chairman), Tubbs, Hager, Conn and Morrill.

ON ENROLLED BILLS.

Messrs. Murch (Chairman), Chappell, Conly, Beach, Mandeville and Conn.

ON INTERNAL IMPROVEMENTS.

Messrs. Chappell (Chairman), Kincaid, Hardy, Lawrence and Murphy.

ON SWAMP AND OVERFLOWED LANDS.

Messrs. Tweed (Chairman), Green, Perley, Banning and Freeman.

ON PUBLIC BUILDINGS, OTHER THAN PRISON BUILDINGS.

Messrs. Curtis (Chairman), Conly, Beach, Teegarden and Shaw.

Mr. Shaw offered a concurrent resolution to appoint D. Kavanaugh rear Porter.

Adopted.

AMENDMENTS TO THE CONSTITUTION.

Mr. Murch offered the following amendment to the Constitution of the State of California:

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its seventeenth session, commencing on the second day of December, A. D. eighteen hundred and sixty-seven, adopt and agree to the following additional section to Article one of the Constitution; which said additional section was proposed and adopted by the Legislature of said State at its sixteenth session:

"Section 22. The Legislature shall have no power to make an appropriation of money for any purpose whatever for a longer period than two years."

The foregoing proposed amendment was read first and second times, referred to the Judiciary Committee and ordered printed.

Mr. Murch also offered the following amendments to the Constitution of the State of California :

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its seventeenth session, commencing on the second day of December, A. D. eighteen hundred and sixty-seven, adopt and agree to the following amendments to the Constitution of the State of California ; which said amendments were proposed and adopted by the Legislature of said State at its sixteenth session :

Article Six.

"Section three of Article six of the Constitution is amended so as to read as follows :

"Section 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election provided by law for the election of Governor, members of the Legislature and other State officers. The Justices shall hold their offices for the term of ten years from the first day of January next after election, except in case a Justice be elected to fill a vacancy caused by the death, resignation or inability to act, of any one of the Justices of the Supreme Court ; in which case, the Justice elected shall hold his office during the balance of the unexpired term ; *provided*, that the Justices of the Supreme Court in office when this amendment takes effect shall hold office for the full term for which they were severally elected ; and thereafter one Justice shall go out of office and his successor be elected every two years, and the Justice having the shortest term shall be the Chief Justice.

"Section five of Article six of the Constitution is amended so as to read as follows :

"Section 5. The State shall be divided by the Legislature of the years eighteen hundred and sixty-nine and eighteen hundred and seventy into sixteen judicial districts, subject to be altered or increased from time to time by a two-third vote of all the members elected to both Houses, as the public good may require ; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district at the general election at which the Justices of the Supreme Court shall be elected. The District Judges shall hold their offices for the term of six years from the first day of January next after their election ; *provided*, that the District Judges in office at the time this amendment shall take effect shall hold their offices for the balance of the term for which they shall have been elected.

"Section seven of Article six is amended so as to read as follows :

"Section 7. There shall be in each of the organized counties of this State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county at the general election at which the Justices of the Supreme Court shall be elected. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. In any county of this State the

Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years; *provided*, that the County Judges and Probate Judge in the City and County of San Francisco in office when this amendment goes into effect shall respectively hold their offices for the term for which they were elected."

Article Nine.

"Section one of Article nine of the Constitution is hereby amended so as to read as follows:

"Section 1. A Superintendent of Public Instruction shall, at the general election provided by law for State officers and members of the Senate and Assembly, to be held in the year eighteen hundred and sixty-nine and every four years thereafter, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election, and shall hold the same for the term of four years."

Read first and second times, referred to the Judiciary Committee, and ordered printed.

Mr. Lewis gave notice that he would, at an early day, introduce a bill to amend an Act fixing the salary of the County Judges of the Counties of Shasta and Trinity.

RESOLUTIONS.

Mr. Heacock offered the following resolution :

Resolved, That the Sergeant-at-Arms be authorized, with the advice and consent of the Chairman of the respective committees herein named, to procure and furnish suitable rooms for the Judiciary and Finance Committees, Committee on Claims and Committee on Contingent Expenses.

Adopted.

Also, the following :

Resolved, That Willie Ormsby be and he is hereby appointed Page, at the per diem of three dollars, payable out of the Contingent Fund of the Senate.

Adopted.

COMMITTEES.

Mr. Shaw requested to be excused from serving as a member of the Committee on Printing.

The Senate refused his request.

The President announced the appointment of the following Committee :

ON THE TRANSLATION OF THE LAWS INTO THE SPANISH LANGUAGE.

Messrs. Mandeville, Lewis and Banning.

Mr. Robinson called up the amendment to Rule 52, offered by him on yesterday.

Pending action thereupon, the hour arrived for the consideration of the special order of the day.

The Senate took up the resolutions appointing Standing Committees of the Senate on the Judiciary and Engrossment, as follows:

Resolved, That the following Standing Committees of the Senate be and the same are hereby appointed:

ON JUDICIARY.

Messrs. Belden (Chairman), Heacock, Tweed, Wolcott, Pratt, Hager, Curtis, Pearce and Saunders.

ON ENGROSSMENT.

Messrs. Wadsworth (Chairman), Rose, Bradley, Hunter, Pendegast and Banning.

The resolutions were adopted.

Mr. Pendegast offered the following resolution:

Resolved. That the Sergeant-at-Arms be authorized to provide for the use of the Senate five copies of Hittell's Digest of the Laws of California, and pay for the same out of the Contingent Fund of the Senate.

Referred to the Committee on State Library.

GENERAL FILE.

Senate Bill No. 3—An Act to repeal an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Act supplemental thereto and amendatory thereof.

Referred to Judiciary Committee.

Senate Bill No. 5—An Act to confirm and legalize the assessment roll of Butte County for the year 1867.

Referred to Judiciary Committee.

Senate Bill No. 8—An Act to limit the hours of labor.

Referred to Judiciary Committee.

Senate Bill No. 7—An Act to settle the title of lands in the Town of San Luis Obispo.

Continued on the file.

Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness.

Referred to Committee on Claims.

PAY OF ATTACHÉS.

On motion of Mr. Wadsworth, the rules were suspended, and the Senate considered the following report and resolution offered by the Committee on Contingent Expenses:

MR. PRESIDENT: Your Committee on Contingent Expenses have examined the claims of the temporary officers of the Senate referred to them, as follows:

To whom due.	Amount.
T. N. Machin, late Lieutenant-Governor.....	\$84.00
W. A. Selkirk, Assistant Clerk at desk.....	56.00
James Lane, Assistant Sergeant-at-Arms	42.00
Willie Ormsby, Page.....	21.00

And recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby required to draw his warrants in favor of the above named parties for the amounts stated, payable out of the Contingent Fund of the Senate.

WADSWORTH, Chairman.

Mr. Lawrence moved to amend by striking out the amount awarded to draw his warrants at the desk.

Lost.

The resolution was adopted.

On motion of Mr Chappell, the resolution offered by Mr. Mandeville to appoint Bernard Steinman, Porter of the committee rooms of the Senate was taken from the table.

The question was upon the adoption of an amendment offered on yesterday by Mr. Chappell to strike out "Bernard Steinman," and insert "Rolla Fuller."

A division of the question was called for on striking out the name of "Bernard Steinman."

The ayes and noes were taken as demanded by Messrs. Lewis, Heacock and Pendegast.

The motion prevailed by the following vote:

AYES—Messrs. Banning, Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Murch, Perley, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—17.

NOES—Conn, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Saunders, Teegarden—16.

Mr. Lewis moved to lay the resolution on the table.

Lost.

Mr. Chappell moved to insert the name of "Rolla Fuller."

Carried.

The original resolution was amended by adding thereto: "Said per diem not to be drawn by said Porter until his services shall be required."

Adopted.

On motion of Mr. Pendegast, at twelve o'clock and twenty-five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Wednesday, December 11th, 1867. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following amendment, offered by Mr. Pearce, was ordered to be inserted in the Journal of Monday after the resolution offered by Mr. Mandeville and adopted, relative to a committee to examine proposals for the translation of the laws and other documents into the Spanish language: "And that the committee report their action to the Senate for its consideration before the contract shall be awarded."

The Journal of Monday was then approved.

REPORTS.

Reports were made as follows:

Mr. Roberts, from the Joint Committee on printing the Governor's message and accompanying documents, presented the following:

MR. PRESIDENT: The Joint Committee on Printing have considered the subject of printing the Governor's Biennial Message and accompanying documents, and the Governor's Inaugural Address, and respectfully report the following as the number of each that, in our judgment, should be ordered printed, to wit:

Of the Governor's Biennial Message, four thousand three hundred and twenty copies in English, and four hundred and eighty copies in Spanish.

Of the Governor's Inaugural Address, four thousand three hundred and twenty copies in English, and four hundred and eighty copies in Spanish.

Of the Controller's Report, one thousand nine hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Surveyor-General's Report, nineteen hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the State Treasurer's Report, one thousand nine hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Superintendent of Public Instruction's Report, four thousand three hundred and twenty copies in English, and two hundred and forty copies in Spanish.

Of the Adjutant-General's Report, one thousand nine hundred and twenty copies in English.

Of the Report of the Secretary of State, nine hundred and sixty copies.

Of the Report of the Attorney-General, nine hundred and sixty copies.

Of the Report of the State Librarian, four hundred and eighty copies.

Of the Report of the State Geologist, two thousand four hundred copies.

Of the Report of the Secretary of the Agricultural and Mining College, one thousand nine hundred and twenty copies.

Of the Reports of the Directors and Resident Physicians of the Insane Asylum, three thousand one hundred and twenty copies.

Of the Report of the State Prison Directors, four thousand three hundred and twenty copies.

Of the Report of the Trustees of the Reform School, nine hundred and sixty copies.

Of the Report of the State Harbor Commissioners, nine hundred and sixty copies.

Of the Report of the State Capital Commissioners, four hundred and eighty copies.

Of the Report of the Yosemite Valley Commissioners, nine hundred and sixty copies.

Of the Amendments proposed to the Constitution of the United States, two hundred and forty copies.

Your Committee would recommend that the State Printer be and is hereby directed to furnish, out of the number above ordered, to the Adjutant General five hundred copies of his report, for distribution officially.

And to the Superintendent of Public Instruction two thousand copies of his report, for distribution to the teachers and School Trustees throughout the State and for exchange with other States.

And to the Surveyor General five hundred copies of his report, for distribution to the County Surveyors, Assessors and County Clerks of this State.

And to the Attorney General one hundred copies of his report, for distribution to the District Attorneys of the State.

And to the Directors of the Insane Asylum two hundred and forty copies, and to the Resident Physician two hundred and forty copies of their report, for distribution at their discretion.

And deliver the remainder, as soon as printed, to the Sergeants-at-Arms of the two Houses, to be distributed *pro rata* among the members of the Legislature.

All of which is respectfully submitted,

E. W. ROBERTS,
for Senate Committee.

GEO. M. PAYNE,
for Assembly Committee.

Mr. Heacock, from the Committee on State Library, reported as follows:

MR. PRESIDENT: The Committee on State Library, to whom was referred Senate resolution relative to the purchasing of five copies of Hittell's Digest of the Laws of California for the use of the Senate, respectfully report that they have had the same under consideration, and that they find upon examination there are only two copies of said Digest belonging to the State in the State Library, which copies are almost continually in use at the Library rooms, wherefore your Committee recommend the passage of the resolution:

HEACOCK, Chairman.

On motion of Mr. Robinson, the rules were suspended and the report of the Joint Committee on Printing taken up.

A motion was made to recommit the report to the committee with the following special instructions, offered by Mr. Mizner :

Resolved, That the report of the Committee on Printing be recommit-
ted to that Committee, with instructions to inquire into the cost of
translating the several documents named in the report into the Spanish
language, and also to inquire into the propriety of translating into Span-
ish any documents not required by the Constitution ; also as to the
omission to report to have printed the report of the Directors and the
Commissioners of the Deaf, Dumb and Blind Asylum.

The ayes and noes were demanded by Messrs. Conn, Murphy and
Mandeville.

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Ewer,
Green, Hager, Hardy, Heacock, Johnson, Mizner, Murch, Pearce, Perley,
Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—22.

NOES—Messrs. Conly, Conn, Freeman, Hunter, Kincaid, Lawrence,
Lewis, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose, Shaw
—14.

So the motion was carried.

GENERAL FILE.

Senate Bill No. 7—An Act to settle the titles to lands in the Town of
San Luis Obispo.

Referred to the Judiciary Committee.

Senate Bill No. 11—An Act to repeal an Act concerning teachers of
common schools in this State, approved April twenty-seventh, eighteen
hundred and sixty-three, amended March eighteenth, eighteen hundred
and sixty-four.

Ordered engrossed.

On motion of Mr. Mandeville the rules were suspended.

Senate Bill No. 10 was taken from the table and referred to the dele-
gations from Tuolumne, Stanislaus, Merced and San Joaquin Counties.

Mr. Lawrence had leave to make a verbal report recommending the
passage of Senate Bill No. 4—An Act repealing an Act entitled an Act
imposing further duties on the Board of Supervisors of Mariposa County.

The rules were suspended and the bills considered.

The rules were again suspended, the bills considered engrossed, read
a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
December 11th, 1867. }

MR. PRESIDENT: I am directed by the Assembly to inform the Senate
that the Assembly on yesterday concurred in Senate Concurrent Resolu-
tion No. 8, relating to printing in Spanish the laws of the present ses-
sion. Also, adopted Assembly Concurrent Resolution No. 9, relative to

appointing rear Porter. Also, adopted Assembly Concurrent Resolution No. 10, in relation to having the mouth of Eel River, Humboldt County, California, surveyed by the General Government.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Mr. Heacock proposed to amend Assembly Concurrent Resolution No. 9, above reported, by striking out the name of Whittaker and inserting in lieu thereof Bartley Kavanaugh. The amendment was adopted and the resolution was concurred in.

Assembly Joint Resolution No. 1, above reported, was referred to the Committee on Commerce and Navigation.

INTRODUCTION OF BILLS.

Bills were introduced (by leave) as follows:

By Mr. Lewis—An Act to amend an Act entitled an Act to fix the salaries of the County Judges of the Counties of Shasta, Trinity and Tehama, and to provide for the payment of the same.

Read first and second times and referred to Judiciary Committee.

By Mr. Curtis—An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and an Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to Judiciary Committee.

By Mr. Heacock—An Act to exempt certain property from execution.

Read first and second times and referred to Judiciary Committee.

Also, an Act to provide for the distribution of the reports of the Supreme Court.

Read first and second times and referred to Judiciary Committee.

Also, an Act to declare Thomas Jefferson Clunie, a minor, of lawful age.

Read first and second times and referred to Judiciary Committee.

By Mr. Pendegast—An Act to repeal an Act entitled an Act relating to criminal prosecutions, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to Judiciary Committee.

By Mr. Wolcott—An Act for the relief of debtors.

Read first and second times and referred to Judiciary Committee.

By Mr. Curtis—An Act exempting certain property from taxation.

Read first and second times and referred to Finance Committee.

MOTIONS AND RESOLUTIONS.

Mr. Heacock moved that the accompanying report of the State Controller, which had been mislaid and could not be found at the time the reports of the other State officers were made, be received and placed on file.

Adopted.

Mr. Robinson offered the following:

Resolved, That the Secretary be and he is hereby instructed to transmit to the Assembly the accompanying documents to the Governor's message.

Adopted.

NOTICES.

Notices of the introduction of bills were given as follows :

By Mr. Belden—An Act for the relief of the estate of R. H. Farquhar, deceased.

Also, an Act authorizing the levying and collection of a special tax in the Nevada School District, Nevada County, for the erection of a school-house in said district.

By Mr. Conn—An Act to incorporate St. Vincent College, in the County of Los Angeles.

By Mr. McDougall—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz.

UNFINISHED BUSINESS.

The amendment to Rule fifty-two of the Standing Rules of the Senate, proposed by Mr. Robinson, came up in its order.

The Senate refused to adopt it.

The Senate also refused to adopt an amendment to Rule eighteen of the Standing Rules of the Senate, proposed by Mr. Johnson.

SPECIAL ORDER.

The Senate took up the special order of the day—the motion offered by Mr. Pearce for a reconsideration of the vote advising and consenting to the appointment of George S. Evans as Adjutant-General of the State of California.

Mr. Pearce, for reasons intimated by him, asked leave to withdraw his motion, and his request was granted.

At one o'clock P. M., there being no further business, on motion of Mr. Lewis, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, December 12th, 1867. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Messrs. Curtis, Belden and Saunders were allowed to be recorded as present at roll call.

Journal of yesterday read and approved.

REPORTS.

Mr. Wadsworth, from the Committee on Engrossment, reported as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed, Senate Bill No. 4—An Act repealing an Act entitled an Act imposing further duties upon the Board of Supervisors of Mariposa;

Also, Senate Bill No. 11—An Act to repeal an Act concerning teachers of common schools in this State, approved April twenty-seventh, eighteen hundred and sixty-three, amended March eighteenth, eighteen hundred and sixty-four.

WADSWORTH, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced (by leave) as follows:

By Mr. Shaw—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Read first and second times and referred to Committee on Education.

By Mr. Lewis—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved February twenty-sixth, eighteen hundred and sixty-six.

Read first and second times.

Rules suspended, bill considered engrossed, read third time and passed.

By Mr. McDougall—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz, State of California.

Read first and second times and placed on file.

By Mr. Hardy—An Act granting certain rights and water privileges to the California Dry Dock Company.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Wadsworth—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under the Act of the Legislature, approved May third, one thousand eight hundred and fifty-two, and Acts supplementary thereto.

Read first and second times and referred to Committee on Claims.

By Mr. Pearce—An Act to repeal all Acts and parts of Acts authorizing and requiring the appointment of a gauger of wines and liquors in this State.

Read first and second times and referred to Judiciary Committee.

RESOLUTIONS.

Resolutions were introduced as follows:

Mr. Mizner offered the following concurrent resolution, proposing an amendment to the Constitution of the State of California:

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at the seventeenth session, commencing on the second day of December, A. D. eighteen hundred and sixty-seven, do propose the following amendment to the Constitution of the State of California :

Article Eleven.

Section twenty-one of Article eleven of the Constitution is amended so as to read as follows :

Section 21. All laws and documents which from their nature require publication shall be published.

Read first and second times, referred to the Judiciary Committee and ordered printed.

Mr. Banning offered the following concurrent resolution :

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to urge the immediate examination and survey by the National Government of the port of Wilmington, to ascertain the expediency of constructing a breakwater at that important harbor.

Read first and second times and referred to Committee on Commerce and Navigation.

NOTICES.

Notices of the introduction of bills were given, as follows :

By Mr. Roberts—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, passed April twenty-fifth, eighteen hundred and sixty-two

By Mr. Kincaid—An Act concerning roads and highways in the County of San Mateo.

By Mr. Pearce—An Act to further prescribe and limit the powers and duties of the Board of State Harbor Commissioners and other purposes.

RESOLUTION.

The following resolution offered by Mr. Pendegast, having been reported and recommended by the Committee on the State Library, was adopted by the Senate :

Resolved, That the Sergeant-at-Arms be authorized to provide, for the use of the Senate, five copies of Hittell's Digest of the Laws of California, and pay for the same out of the Contingent Fund of the Senate.

On motion of Mr. Murch, there being no further business, at eleven o'clock and thirty-five minutes A. M. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Friday, December 13th, 1867. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. C. C. Wallace.

Journal of yesterday read and approved.

Messrs. Lawrence, Curtis, Shaw, Hunter, Lewis, Rose, Hager, Mandeville and Perley were allowed to be recorded as present at roll call.

Mr. Conly was granted leave of absence until Tuesday next.

REPORTS.

Mr. Mizner, from the Committee on Commerce and Navigation, reported as follows:

MR. PRESIDENT: The Committee on Commerce and Navigation have had under consideration Assembly Joint Resolution No. 1, in relation to having the mouth of Eel River, Humboldt County, California, surveyed by the General Government, and report the same back and recommend its passage.

MIZNER, Chairman.

On motion of Mr. Murch, the rules were suspended and the bill above reported was taken up, read a third time and passed.

Mr. Wadsworth, from the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed Senate Bill No. 26—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved February twenty-sixth, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tubbs—An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Corporations.

By Mr. Robinson—An Act relating to homesteads.

Read first and second times and referred to the Judiciary Committee.

By Mr. Heacock—An Act to appropriate money to pay Bond No. 34, issued by authority of an Act of the Legislature of the State of California, approved February eighteen, eighteen hundred and fifty-one.

Read first and second times and referred to the Committee on Claims.

MOTIONS AND RESOLUTIONS.

Mr. Green moved that the reports of certain officers of the State Prison be received and placed on file.

So ordered.

On motion of Mr. Green, the reports above referred to were taken from the file and ordered transmitted to the Assembly.

NOTICES.

Mr. Murch gave notice of the introduction of bills, as follows:

An Act to fix the salaries of certain State officers.

Also, an Act to fix the salaries of the Justices of the Supreme Court.

Also, an Act to fix the salaries of District Judges.

Also, an Act to fix the per diem and mileage of members of the Legislature.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
Sacramento, December 12th, 1867. }

To the Senate of the State of California:

I hereby nominate to the office of Port Warden of the port of San Francisco, Joseph Austin, *vice* John Martin, removed;

R. W. Heath, *vice* R. T. Parks, removed;

Captain Calvin E. Woodbury, *vice* Captain George S. Porter, removed.

Removal and appointment to take effect March first, eighteen hundred and sixty-eight.

And I ask the concurrence of the Senate therein.

H. H. HAIGHT, Governor.

IN EXECUTIVE SESSION.

The Senate went into executive session.

On motion of Mr. Shaw, the above message was made the special order for next Tuesday, at half-past eleven o'clock A. M.

GENERAL FILE.

Senate Bill No. 11—An Act to repeal an Act concerning teachers of common schools in this State, approved April twenty-seventh, eighteen hundred and sixty-three, amended March eighteenth, eighteen hundred and sixty-four.

Read third time and passed.

Senate Bill No. 22—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz, State of California.

On motion of Mr. Hager, referred to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

The following message was taken from the table, read and referred to the Finance Committee :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, December 4th, 1867. }

To the Senate of the State of California :

I herewith transmit to your honorable body a statement of the amount expended by me out of the several appropriations for Special Contingent Fund of the Governor's office :

Appropriation for seventeenth fiscal year.....	\$5,000 00
Expended as follows :	
For sundry telegraph messages to Washington, sent by order of Legislature, etc.....	\$299 42
Appropriation for eighteenth fiscal year.....	\$5,000 00
Expended as follows :	
Paid to Officer Rice for services attending arrest of counter- feiters.....	\$106 00
To Brigadier-General Hewston, on account of travelling ex- penses, organizing militia.....	500 00
For transcribing and compiling Agricultural Report for Sec- retary of Interior	250 00
For making and copying Book of Rolls of volunteers engaged in Humboldt Indian war, for Pension Bureau, War Department	150 00
Paid for books, newspapers, binding, etc.....	561 77
Total.	\$1,567 77
Appropriation for nineteenth fiscal year.....	\$5,000 00
Expended as follows :	
For books, subscriptions to newspapers, binding, etc.....	\$832 07

FRED'K F. LOW, Governor.

ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }
December 13th, 1867. }

MR. PRESIDENT: I am directed by the Assembly to inform the Senate that the Assembly, on yesterday, refused to concur in Assembly Concur-

rent Resolution No. 9, relative to appointing Rear Porter, and in conjunction with the above resolution, the Speaker appointed Messrs. Cureton, Cochran and White a Committee of Conference.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 9, above reported, was taken up, and, on motion of Mr. Mizner, the Senate receded from its amendment.

There being no further business before the Senate, on motion of Mr. Pearce, at eleven o'clock and thirty minutes A. M., the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, December 14th, 1867. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Mr. Bradley had leave of absence until Tuesday next.

REPORTS.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report:

To the Honorable Senate of the State of California :

The Committee on Corporations, to whom was referred Senate Bill No. 27—An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six—have had the same under consideration, and report it back and recommend its passage.

PRATT, for Committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
December 14th, 1867. }

Mr. PRESIDENT: I am directed by the Assembly to inform the Senate that the Assembly on yesterday adopted Assembly Concurrent Resolution No. 12—Relative to supplying the State Librarian with copies of all documents ordered printed;

Also, passed Senate Bill No. 1—An Act to provide for purchasing postage stamps and express envelops for officers and members of the Legislature.

WM. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 12, above reported, was taken up and concurred in.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Murch—An Act to fix the salaries of Justices of the Supreme Court.

Also, an Act to fix the salaries of District Judges.

Also, an Act to fix the per diem and mileage of members of the Legislature.

Also, an Act to fix the salaries of certain State officers.

Severally read first and second times and referred to Finance Committee, and ordered printed.

By Mr. Banning—An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times and referred to Committee on Corporations, and ordered printed.

Also, an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times and referred to the Committee on Corporations.

By Mr. Pendegast—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County.

Read first and second times and referred to the Napa delegation.

By Mr. Curtis—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juan Castro, deceased, to sell certain real estate of said infant heirs.

Read first and second times and referred to the Judiciary Committee.

By Mr. Belden—An Act to authorize Richard Abbey, administrator of the estate of Richard H. Farquhar, deceased, to sell certain land of said deceased's estate.

Read first and second times and referred to the Judiciary Committee.

RESOLUTIONS.

Mr. Heacock offered the following resolution :

Resolved, That the Sergeant-at-Arms of the Senate be authorized to furnish the Lieutenant-Governor with five daily papers or their equivalent in weeklies.

Adopted.

Mr. Mizner offered the following :

Resolved by the Senate, the Assembly concurring. That the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly be instructed to cause the national flag to be raised over the Capitol only when one or the other, or both houses, may be in actual session.

Adopted.

Mr. Heacock offered the following :

Resolved That the Judiciary Committee of the Senate be authorized to appoint a clerk, with the same per diem as Copying Clerks, payable out of the Contingent Fund of the Senate.

Adopted.

NOTICE.

Mr. McDougall gave notice of the introduction of an Act asking a franchise for a railroad or tramway from the City of Monterey to some point on the Salinas River, in the County of Monterey.

RESOLUTIONS.

Mr. Shaw offered the following resolutions :

Resolved by the Senate, the Assembly concurring, That it is the moral and humane as well as governmental duty of the United States, to acquire the possession of all vacant Mexican territory lying north of the twenty-sixth degree of north latitude ; that such possession should be acquired peaceably and fairly, but without hesitation, without failure and without delay ; and that our Senators and Representatives in Congress be and they are hereby instructed to urge upon Congress, and upon the Executive Department of the General Government, the necessity and humanity of such immediate acquisition, until the same shall be accomplished.

Resolved, That his Excellency, the Governor, be requested to forward the foregoing resolution to each of our Senators and Representatives in Congress.

Read first and second times.

Mr. Banning moved to make the resolutions the special order for the second Thursday in January next, and also that the same be printed.

Mr. Mandeville called for a division of the question.

The motion to make them the special order was carried.

Upon ordering the resolutions printed, the ayes and noes were demanded by Messrs. Shaw, Lawrence and Banning.

The vote was as follows :

AYES—Messrs. Banning, Conn, Curtis, Green, Hunter, Lawrence, Lewis, Murch, Pratt, Rose, Shaw—11.

NOES—Messrs. Beach, Belden, Chappell, Ewer, Freeman, Hager, Hardy, Johnson, Kincaid, Mandeville, McDougall, Mizner, Morrill, Pearce, Pendegast, Perley, Roberts, Robinson, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—23.

So the motion was lost.

Mr. Ewer moved to reconsider the vote by which a bill introduced by Mr. Banning was ordered printed.

Lost.

The rules were suspended and Mr. Teegarden had leave to introduce the following resolution :

Resolved, That the Committee on State Hospitals be authorized to appoint a clerk, pay to commence with services.

Lost.

Mr. Mizner moved that the Senate do now adjourn until Tuesday next. The ayes and noes were demanded by Messrs. Hager, Lewis and Pearce.

The vote was as follows :

AYES—Messrs. Banning, Beach, Belden, Curtis, Freeman, Hardy, Mizner, Perley, Pratt, Roberts, Robinson, Tubbs, Tweed, Wolcott—14.

NOES—Messrs. Chappell, Conn, Ewer, Green, Hager, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murch, Pearce, Pendegast, Rose, Shaw, Teegarden, Wadsworth—21.

So the motion was lost.

Mr. Hardy was granted leave of absence until Tuesday next.

The rules were suspended for Mr. Pearce to introduce the following resolution :

Resolved by the Senate, the Assembly concurring, That it is the sense and judgment of the people of the State of California that the whole people of the United States owe it to themselves and posterity, as a sacred duty, to resist, by all honorable means, every effort and attempt to count an Electoral vote of any State in the approaching Presidential election cast under or by virtue of the Reconstruction Acts (so called) of Congress.

Mr. Lewis moved to make it the special order for Thursday next at one o'clock P. M.

Lost.

The resolution was referred to the Committee on Federal Relations.

On motion, Mr. Pratt was granted three days leave of absence.

Mr. Roberts moved that when the Senate adjourn it shall adjourn until Monday next at one o'clock P. M.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, December 14th, 1867. }

To the Senate of the State of California:

I have nominated to the office of Port Warden of the Port of San Francisco, Captain Charles Wilson, *vice* J. P. Wells, removed—removal and appointment to take effect March first, eighteen hundred and sixty-eight—and ask the concurrence of the Senate herein.

H. H. HAIGHT, Governor.

IN EXECUTIVE SESSION.

The Senate being in executive session, on motion of Mr. Mizner the above message was made the special order for Tuesday next at half past eleven o'clock A. M.

On motion of Mr. Pendegast, there being no further business, at eleven o'clock and fifty minutes the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, }
Monday, December 16th, 1867. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Leave of absence was granted Mr. Lewis for one day.

The Journal of the preceding day was amended, by unanimous consent, as requested by Mr. Shaw, to insert in a joint resolution introduced by him the words "and requested;" also, to add the word "Lake" to the reference of a bill introduced by Mr. Pendegast.

Messrs. Belden, Roberts and Bradley had leave to be recorded as present at roll call.

PETITION.

Mr. Murch offered a petition from residents in Crescent City relative to tide lands in front of that town.

Read and referred to the Committee on Public Lands.

REPORT.

Mr. Murch, from the Committee on Enrollment, made the following report:

Mr. PRESIDENT: The Committee on Enrollment have examined and found correctly enrolled Senate Bill No. 1—An Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature; and this day, at eleven o'clock A. M., delivered the same to the Governor for his approval.

MURCH, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
December 6th, 1867. }

Mr. PRESIDENT: I am directed by the Assembly to inform the Senate that the Assembly, on Saturday, fourteenth instant, concurred in Senate Concurrent Resolution No. 14, in relation to raising the national flag over the Capitol building;

Also, passed Senate Bill No. 4—An Act repealing an Act entitled an Act imposing further duties upon the Board of Supervisors of the County of Mariposa;

On the eleventh instant, passed Assembly Bill No. 12—An Act making appropriation for the seventeenth session of the Legislature.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 12, above reported, was read first and second times and placed on file.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Shaw—An Act to amend an Act approved April twenty-seventh, eighteen hundred and sixty-three, entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

Read first and second times and referred to the Committee on Corporations.

By Mr. Ewer—An Act to amend an Act entitled an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

Read first and second time and placed on file.

By Mr. Murch—An Act to authorize the corporate authorities of the town of Crescent City to locate the tide lands in front of said town.

Read first and second times and referred to the Committee on Public Lands.

RESOLUTIONS.

Mr. Green introduced the following resolution :

Resolved, That on to-morrow, December seventeenth, at one o'clock P. M., the Senate do proceed, in accordance with an Act of Congress entitled an Act to regulate the time and manner of holding elections for Senator in Congress, approved July twenty-fifth, eighteen hundred and sixty-six, to elect a person to represent the State of California in the Senate of the United States for the term of six years from and after the expiration of the term of office of the Honorable John Conness, present incumbent.

Adopted.

Mr. Green also offered a resolution proposing a temporary suspension of Rule six, of the Standing Rules of the Senate, during the session of the Joint Convention to be held for the election of a United States Senator.

Laid over for one day.

Mr. Murch introduced the following :

Resolved, That a select committee of three be appointed by the President of the Senate, to inquire into and report to the Senate, at their earliest convenience, what disposition has been made of, and by whom, of the furniture, carpets, etc., belonging to the State, and which was used by the Senate and officers thereof, during the last session of the Legislature.

Adopted.

GENERAL FILE.

Senate Bill No. 27—An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six.

Ordered engrossed.

At one o'clock and forty minutes, P. M., on motion of Mr. Green, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of the Senate.

 IN SENATE.

SENATE CHAMBER,
Tuesday, December 17th, 1867. }

Senate met pursuant to adjournment.
President in the chair.
Roll called.
Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Pendegast had leave to be recorded as present at roll call.

PETITION.

Mr. Conn presented a petition from citizens in San Diego, relative to the construction of a wharf at that point.

Read and referred to the Committee on Commerce and Navigation.

REPORT.

Mr. Roberts, from the Joint Committee on Printing, made a supplementary report as follows :

MR. PRESIDENT : The Joint Committee on Printing, having considered the subject recommitteed to this committee with special instructions from the Senate, beg leave to report that they recommend the printing of the Governor's Biennial Message and accompanying documents, and of the Governor's Inaugural Address, in the English language, and that the number of each shall be as follows, viz :

Of the Governor's Biennial Message, four thousand three hundred and twenty copies.

Of the Governor's Inaugural Address, four thousand three hundred and twenty copies.

Of the Report of the Superintendent of Public Instruction, four thousand three hundred and twenty copies.

Of the Report of the Trustees of the State Prison, four thousand three hundred and twenty copies.

Of the Reports of the Trustees and Resident Physician of the Insane Asylum, three thousand one hundred and twenty copies.

Of the Report of the State Geologist, two thousand four hundred copies.

Of the Report of the Controller, nineteen hundred and twenty copies.

Of the Report of the Surveyor-General, nineteen hundred and twenty copies.

Of the Report of the Adjutant-General, nineteen hundred and twenty copies.

Of the Report of the State Treasurer, nineteen hundred and twenty copies.

Of the Report from the Secretary of the Agricultural and Mining College, nineteen hundred and twenty copies.

Of the Report of the Secretary of State, nine hundred and sixty copies.

Of the Report of the State Harbor Commissioners, nine hundred and sixty copies.

Of the Report of the Attorney-General, nine hundred and sixty copies.

Of the Report of the Trustees of the Reform School, nine hundred and sixty copies.

Of the Report of the Capital Commissioners, nine hundred and sixty copies.

Of the Report of the Directors and of the Commissioners of the Institute for the Deaf and Dumb, nine hundred and sixty copies.

Of the Report of the Yosemite Valley Commissioners, nine hundred and sixty copies.

Of the Report of the State Librarian, four hundred and eighty copies.

Of the proposed Amendments to the Constitution of the United States, two hundred and forty copies.

And that the State Printer be and is hereby instructed to furnish, out of the numbers above ordered, as follows:

To the Adjutant-General, five hundred copies of his report, for distribution officially.

To the Superintendent of Public Instruction two thousand copies of his report, for distribution to the teachers and School Trustees throughout the State and for exchange with other States.

To the Surveyor-General five hundred copies of his report, for distribution to the County Surveyors, Assessors and County Clerks of this State.

To the Attorney-General one hundred copies of his report, for distribution to the District Attorneys of this State.

To the Directors of the Insane Asylum two hundred and forty copies, and to the Resident Physician two hundred and forty copies, of their report, for distribution at their discretion.

And to deliver the remainder, as soon as printed, to the Sergeants-at-Arms of the two Houses, to be distributed *pro rata* among the members of the Legislature.

In compliance with special instructions of the Senate, your committee have endeavored to ascertain the cost of translating and of printing in the Spanish language the Governor's Biennial Message, the Governor's Inaugural Address, the Controller's Report, the Treasurer's Report, the Surveyor-General's Report and the Report of the Superintendent of Public Instruction, which last named document it was proposed in your committee's original report should be published in Spanish in place of the Adjutant-General's Report. No positive estimate of the actual cost of these items can be safely given without a careful computation of the contents of each document; but a comparative basis of calculation, sufficient for all practical purposes, may be found in the actual expense incurred in preceding years by the translation and printing in Spanish of the several reports of the same officials. By the accompanying statement from the State Controller, it will be seen that the cost of translating the Governor's Biennial Message for eighteen hundred and sixty-five, and the Treasurer's, Controller's and Surveyor-General's reports accompanying, was nine hundred and ninety-two dollars and forty-six hundredths, at thirty-four cents per folio; but as the present contract price is fifty cents per folio, the cost of the same would be one thousand four hundred and sixty-two dollars and fifty cents:

Cost at present contract	\$1,462 50
Report of Sup't Public Instruction, translating (1863).....	698 00
To which add Governor's Inaugural (estimated).....	156 50
Estimated cost of translation for 1867.....	\$2,317 00
Cost of printing the Biennial Message, Controller's, Surveyor-General's and Treasurer's reports in Spanish (1865)	\$2,317 00
Report of Sup't Public Ins., 1863 (not published in 1865) ...	1,036 72
Add Governor's Inaugural (estimated).....	276 39
Estimated cost of printing in Spanish.....	\$3,630 11
Add estimated cost of translation.....	2,317 00
Total estimated expense.....	\$5,947 11

Your committee find that whilst the Constitution requires the laws to be published in the Spanish language, no declaration of legislative enactment defining law, or to what extent publication in that language shall be effected, can now be found on the statute books. The only provision relating thereto (contained in the Act prescribing the duties of the Secretary of State, Hittell's Digest, p. 1006, Sec. 15) declares only the manner in which the contract for such translation shall be awarded, in accordance with the law in force on that subject; but by the same Act all prior Acts regulating the publication of the laws in the Spanish language were repealed. The constitutional provision remains obligatory, so far as the publication of the statute laws are concerned, without any of the ordinary statutory machinery to provide for its execution having been furnished by the legislative authority.

At the sixteenth session of the Legislature, the Act "concerning the translation of Executive reports" was passed (Stat. 1865-6, p. 869), which briefly declared that "all translations of the biennial Executive reports shall be made under such provisions as the Legislature may enact, and no claim for translating such reports shall be audited or allowed except under the provisions of such enactment."

As to the "propriety of translating into Spanish any documents the publication of which is not required by the Constitution," your committee is equally divided in opinion; but agree, unanimously, that such printing would require the passage of a law to authorize the translation into the Spanish language of any of the documents referred to your committee, and to provide for the auditing and payment of the claim for such translation.

Your committee have observed that the reports of the Harbor Commissioners, and of the Directors and of the Commissioners of the Institute for the Deaf, Dumb and Blind, have been printed and furnished to the members of the Legislature by other parties than the State Printer. We would beg leave to suggest, that as it is evident that the expense incurred in the printing of official documents in that manner must be paid out of funds appropriated, applicable to other purposes, such a course should not be pursued whilst the State elects a State Printer to do all such work at a uniform price, in a uniform manner; and especially so, as they must

necessarily be reprinted by the State Printer, at additional cost to the State, for publication with the Journals.

We therefore present the accompanying resolution, and recommend its adoption.

All which is respectfully submitted.

E. W. ROBERTS,
for Senate Committee.

GEO. N. PAYNE,
for Assembly Committee.

Resolved by the Senate, the Assembly concurring. That all printing (except advertising) ordered or required by the officers of any State Board or State institution shall be executed by the State Printer.

Mr. Mandeville moved the adoption of the original report made by the same committee, which had been recommitted with special instructions to report concerning the translation of public documents into the Spanish language and the printing thereof.

SPECIAL ORDERS.

Pending consideration of the foregoing motion, the hour arrived for the consideration of the first special order of the day, the message of the Governor communicating the appointment of Port Wardens for the Port of San Francisco.

Mr. Hardy moved that further consideration of the message of December twelfth be postponed to January ninth, eighteen hundred and sixty-eight, at eleven and a half o'clock A. M.

The ayes and noes were demanded by Messrs. Lewis, Mandeville and Shaw, and the motion prevailed by the following vote :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Conn, Curtis, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—17.

The second special order of the day, the consideration of the message of the Governor nominating Charles Wilson to the office of Port Warden of the Port of San Francisco, was, on motion of Mr. Hardy, also continued for January ninth, eighteen hundred and sixty-eight, at eleven and a half o'clock A. M.

REPORT.

The Senate resumed consideration of the report of the Joint Committee on Public Printing, and pending action the hour arrived for taking up the general file.

Mr. Mizner moved that the consideration of the file be postponed until the report of the Committee on Printing should be disposed of.

The motion prevailed.

Mr. Mizner arose to a question of privilege relative to remarks made by him when the original report of the Committee was presented.

On adopting the motion of Mr. Mandeville, to adopt the report originally offered, the ayes and noes were demanded by Messrs. Conn, Murphy and Banning.

Mr. Ewer offered the following amendment to the original report:

Provided, that the same number of copies ordered to be printed in Spanish by this report shall be printed in German.

Mr. Hager called for a division of the question.

So ordered.

The ayes and noes were demanded by Messrs. Murch, Lewis and Mizner.

The vote on the motion to print in the German language was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Hager, Heacock, Kincaid, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—21.

NOES—Messrs. Banning, Green, Hardy, Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw, Tweed—17.

So the motion was carried.

The question was then taken on the motion offered by Mr. Mandeville. The vote was as follows:

AYES—Messrs. Banning, Conn, Curtis, Freeman, Green, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—17.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hager, Hardy, Heacock, Lawrence, Mizner, Morrill, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—21.

So the motion was lost.

At one o'clock P. M., at which hour the Senate had resolved to ballot for a United States Senator, on motion of Mr. Mizner, balloting was postponed until the matter under consideration was disposed of.

Mr. Roberts moved the adoption of the supplementary report.

Mr. Mandeville offered an amendment, that four hundred and eighty copies of the Governor's Inaugural Address be printed in Spanish.

The ayes and noes were demanded by Messrs. Pearce, Mandeville and Bradley.

The vote was as follows:

AYES—Messrs. Banning, Conn, Curtis, Freeman, Green, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—19.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hager, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

The President voted aye.

So the amendment was adopted.

Mr. Mandeville moved to amend, by ordering printed in Spanish, four hundred and eighty copies of the Governor's Biennial Message.

The ayes and noes were demanded by Messrs. Murch, Mizner and Bradley.

The vote was as follows :

AYES—Messrs. Banning, Conn. Curtis, Freeman, Green, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—19.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conley, Ewer, Hager, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

The President voted aye.

So the amendment was adopted.

On motion of Mr. Mandeville, the Senate moved an amendment to the report, requiring two hundred and forty copies to be printed in Spanish of each of the following biennial reports: the Controller's, Treasurer's, Surveyor-General's and Superintendent of Public Instruction.

Adopted.

Mr. Wadsworth offered an amendment, that seventy copies of the Controller's report be allowed that officer for distribution among the States of the Union.

Adopted.

On the adoption of the report as amended, the ayes and noes were demanded by Messrs. Chappell, Mizner and Murch.

The vote was as follows :

AYES—Messrs. Banning, Conn. Curtis, Freeman, Green, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—21.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—17.

So the report was adopted.

Mr. Mizner gave notice of a motion to reconsider the foregoing vote.

NOTICE.

The rules were suspended for the notice of the introduction of a bill given by Mr. Shaw, as follows :

An Act to prohibit any person offering, directly or indirectly, any money or other compensation to any member of the Legislature as an inducement to vote for the nomination of any person as a candidate, or for the election of any person to the office of Senator of the United States, and to provide for the punishment of the offender by imprisonment in the State Prison for not less than five years nor more than twenty-five years.

ELECTION OF A UNITED STATES SENATOR.

At one o'clock and twenty minutes P. M., the Senate, according to a resolution adopted yesterday, proceeded to elect a person to the office of United States Senator, to succeed Honorable John Conness, present incumbent.

By direction of the President, the Secretary read the first section of an Act of Congress, approved July twenty-fifth, eighteen hundred and sixty-six, as follows :

AN ACT to regulate the times and manner of holding elections for Senators in Congress.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Legislature of each State which shall be chosen next preceding the expiration of the term for which any Senator was elected to represent said State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress in place of such Senator so going out of office, in the following manner: Each house shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from said State, and the name of the person so voted for who shall have a majority of the whole number of votes cast in each house shall be entered on the journal of each house by the Clerk or Secretary thereof; but if either house shall fail to give such majority to any person on said day, that fact shall be entered on the Journals. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly and the Journal of each house shall then be read, and if the same person shall have received a majority of all the votes in each house, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each house, or if either house shall have failed to take proceedings as required by this Act, the Joint Assembly shall then proceed to choose by a *viva voce* vote of each member present a person for the purpose aforesaid, and the person having a majority of all the votes of the said Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected, and in case no person shall receive such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature and take at least one vote until a Senator shall be elected.

In accordance with the requirement of the section of the Act above quoted, the Secretary called the roll of the Senate, and each Senator present announced the name of the person for whom he voted, as follows :

Senators.	Voted for.
Banning	Thomas A. Brown.
Beach	Thomas A. Brown.
Belden	Thomas A. Brown.
Bradley	Thomas A. Brown.
Chappell	Thomas A. Brown.
Conly	Thomas A. Brown.
Conn	Henry Hamilton.
Curtis	James Johnson.
Ewer	Thomas A. Brown.

Senators.	Voted for.
Freeman	J. C. Brown, of Tulare.
Green	Thomas A. Brown.
Hager	John H. Saunders.
Hardy	Thomas A. Brown.
Heacock	Thomas A. Brown.
Hunter	John S. Hager.
Johnson	N. Greene Curtis.
Kincaid	James W. Coffroth.
Lawrence	James W. Mandeville.
Lewis	J. D. Hambleton.
Mandeville	James H. Lawrence.
McDougall	Patrick W. Murphy.
Mizner	Thomas A. Brown.
Morrill	Allen P. Dudley.
Murch	Thomas A. Brown.
Murphy	F. McDougall.
Pearce	W. J. Shaw.
Pendegast	E. T. Wilkins.
Perley	Thomas A. Brown.
Roberts	Thomas A. Brown.
Robinson	Thomas A. Brown.
Rose	Robert Cosner.
Saunders	C. E. McLean.
Shaw	George Pearce.
Teegarden	Thomas A. Brown.
Tubbs	Thomas A. Brown.
Tweed	Thomas A. Brown.
Wadsworth	Thomas A. Brown.
Wolcott	Thomas A. Brown.

The whole number of Senators present, and who voted, was thirty-eight.

Whereof twenty Senators (being a majority of those present) voted for Thomas A. Brown, of Contra Costa, as Senator from California to succeed the Honorable John Conness in the Senate of the United States on the expiration of his term of office.

Mr. Hager offered the following resolution, which the Senate adopted :

Resolved. That the Assembly be respectfully notified that the Senate will meet the Assembly in Joint Convention in the Assembly Chamber on to-morrow, the eighteenth instant, at twelve o'clock, to vote under the law of Congress for a United States Senator.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and

found correctly engrossed Senate Bill No. 27—An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

Mr. Pendegast, from the Lake and Napa delegation, made the following report :

Mr. PRESIDENT : The Lake and Napa delegation, to whom was referred Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, L. M. Curtis and others to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County—having had the same under consideration, beg leave to report the same back and recommend its passage.

PENDEGAST, for Delegation.

INTRODUCTION OF BILLS.

Bills were introduced, without previous notice, as follows :

By Mr. Conn—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf at Horton's addition to New San Diego, in the County of San Diego.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to fix the salary of the County Judge of San Bernardino County.

By Mr. Roberts—An Act for the protection of growing fruit.

By Mr. Murphy—An Act to provide for the creation of a Board of Commissioners for immigrant aid.

By Mr. Curtis—An Act to amend an Act passed April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State.

Severally read first and second times and referred to the Judiciary Committee.

The President announced the appointment of the following committee :

COMMITTEE TO INQUIRE INTO AND REPORT UPON WHAT DISPOSITION WAS MADE OF THE FURNITURE PURCHASED BY THE LAST LEGISLATURE.

Messrs. Murch, Hunter and Tweed.

RESOLUTIONS.

Mr. Curtis offered a resolution authorizing the Sergeant-at-Arms of the Senate to appoint a porter for the several officers' rooms of the Senate.

Lost.

The following amendment to Rule six of the Standing Rules of the Senate, offered by Mr. Green on Monday and laid over one day, was adopted :

Resolved, that Rule No. 6, of the Standing Rules of the Senate, making the general file the special order for every day at twelve o'clock M., be temporarily suspended during the days on which the two houses meet in Joint Convention to elect a United States Senator, and that the general file for the day, if not previously disposed of, shall during such days be considered in its regular position in the order of business without regard to time.

At one o'clock and forty minutes P. M., on motion of Mr. Mandeville, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Wednesday, December 18th, 1867. }

Senate met pursuant to adjournment.
President in the chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Prayer by the Chaplain.

PETITION.

Mr. Hager presented a petition from Mrs. Frederick McCrellish, Secretary of the Protestant Orphan Asylum of San Francisco, addressed to the President of the Senate.

Read and referred to the Committee on Finance.

REPORT.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and found correctly enrolled Senate Bill No. 4—An Act repealing an Act entitled an Act imposing further duties upon the Board of Supervisors of Mariposa County—and this day at ten o'clock and fifty minutes A. M. presented the same to the Governor for his approval.

MURCH, Chairman.

INTRODUCTION OF BILLS.

By Mr. Green—An Act concerning the office of Public Administrator in the County of Marin.

Read first and second times and referred to Judiciary Committee.

PUBLIC PRINTING.

Mr. Mizner, pursuant to notice, moved to reconsider the vote whereby the Senate on yesterday adopted the report of the Joint Committee on Printing.

Mr. Lewis moved to make the motion to reconsider the special order for one o'clock to-day.

Mr. Murch moved the previous question.

Carried.

On the question, Shall the main question now be put? the ayes and noes were demanded by Messrs. Lewis, Johnson and Mandeville.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—18.

NOES—Messrs. Banning, Conn, Curtis, Green, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast—16.

So the main question was ordered.

Mr. Mandeville moved a call of the Senate.

The ayes and noes were demanded by Messrs. Murphy, Heacock and Mandeville.

The vote was as follows :

AYES—Messrs. Banning, Conn, Curtis, Green, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast—18.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—18.

So the motion was lost.

On the motion of Mr. Lewis to make it the special order for to-day at one o'clock, the ayes and noes were demanded by Messrs. Lewis, Johnson and Mizner.

The vote was as follows :

AYES—Messrs. Banning, Conn, Curtis, Green, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Shaw—17.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Mizner, Murphy, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—18.

So the motion was lost.

Mr. Lewis moved a call of the Senate.

The Chair decided the motion out of order.

Mr. Lewis appealed from the decision of the Chair.

On the question, Shall the decision of the Chair stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Lewis, Mandeville and Conn.

The vote was as follows :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Johnson, Kincaid, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Roberts, Robinson, Shaw, Tubbs, Tweed, Wadsworth, Wolcott—32.

NOES—Messrs. Hunter, Lawrence, Teegarden—3.

So the decision of the Chair was sustained.

Mr. Mandeville moved to adjourn.

The Chair decided that a motion to adjourn was not in order while acting under the previous question.

Mr. Mandeville appealed.

On the question of sustaining the decision of the Chair, Messrs. Lewis, Mandeville and Lawrence demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—33.

No—Mr. Hager—1.

So the decision of the Chair was sustained.

Mr. Lewis moved to take a recess until twelve o'clock.

The Chair ruled the motion out of order.

Mr. Lewis appealed.

On the question of sustaining the decision of the Chair, Messrs. Lewis, Shaw and Pendegast demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—34.

No—Mr. Conly—1.

So the decision of the Chair was sustained.

Mr. Lawrence called for the reading of the report.

The President ruled the motion out of order, by operation of the previous question.

Mr. Lawrence appealed.

On the question of sustaining the decision of the Chair, Messrs. Lewis, Murphy and Lawrence demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Green, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Murch, Murphy, Pearce, Perley, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—28.

NOES—Messrs. Hager, Lewis, Mandeville, McDougall, Mizner, Morrill, Pendegast—7.

So the decision of the Chair was sustained.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
December 18th, 1867. }

MR. PRESIDENT : I am directed to inform the Senate that the Assembly is now ready to meet the Senate in Joint Assembly to ballot for a United States Senator under the Act of Congress.

J. A. EAGAN,
Chief Clerk.

The hour of twelve o'clock, meridian, fixed by said Act of Congress for meeting in Joint Assembly for the purpose named in the message just read, having arrived, the Senate proceeded in a body to the Assembly Chamber.

IN JOINT ASSEMBLY.

Pursuant to an Act of Congress entitled an Act to regulate the times and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six, the Senate and Assembly met in Joint Assembly.

The President of the Senate and Speaker of the Assembly presided.

The roll of the Senate was called, and a quorum responded, as follows :

Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth and Wolcott.

The roll of the Assembly was called and a quorum responded, as follows :

Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb and Mr. Speaker.

The Secretary of the Senate read from the Journal of the Senate so much of the proceedings of Tuesday, December seventeenth, being the second Tuesday after the organization of the seventeenth session of the Legislature, as related to a ballot for the election of a United States Senator to succeed the Honorable John Conness; whereby it appeared that thirty-eight Senators were present and voted each his choice, and that Thomas A. Brown, of Contra Costa, had received twenty votes, being a majority of all the votes cast.

The Clerk of the Assembly read so much of the Journal of the Assembly as related to the proceedings of that body in regard to the election of a United States Senator, held in accordance with the Act of Congress above referred to, and it appeared that no person voted for had received a majority of the votes cast in both houses.

The President directed the Secretary of the Senate to read the Act of Congress requiring the Joint Convention held this day. From the official publication it was read as follows:

AN ACT to regulate the times and manner of holding elections for Senators in Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress in the place of such Senator so going out of office, in the following manner: Each house shall openly, by a *viva voce* of each member present, name one person for Senator in Congress from said State, and the name of the person so voted for who shall have a majority of the whole number of votes cast in each house shall be entered on the Journal of each house by the Clerk or Secretary thereof; but if either house shall fail to give such majority to any person on said day, that fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each house shall then be read; and if the same person shall have received a majority of all the votes in each house, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each house, or if either house shall have failed to take proceedings as required by this Act, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for the purpose aforesaid; and the person having a majority of all the votes of the said Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected; and in case no person shall receive such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and take at least one vote until a Senator shall be elected.

SEC. 2. And be it further enacted, That whenever, on the meeting of the Legislature of any State, a vacancy shall exist in the representation of such State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy in the manner hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have organized and shall have notice of such vacancy.

SEC. 3. And be it further enacted, That it shall be the duty of the Governor of the State from which any Senator shall have been chosen as aforesaid, to certify his election under the seal of the State to the

President of the Senate of the United States, which certificate shall be countersigned by the Secretary of State of the State.

Approved July twenty-fifth, eighteen hundred and sixty-six.

FIRST BALLOT.

The Secretary of the Senate called the roll of the Senate, and each Senator present pronounced the name of the person for whom he voted, as follows:

Senators.	Voted for.
Banning	Thomas A. Brown.
Beach.....	Thomas A. Brown.
Belden	Thomas A. Brown.
Bradley	Thomas A. Brown.
Chappell	Thomas A. Brown.
Conly.....	Thomas A. Brown.
Conn	Henry Hamilton.
Curtis	James Johnson.
Ewer.....	Thomas A. Brown.
Freeman.....	J. C. Brown, of Tulare
Green	Thomas A. Brown.
Hager.....	John H. Saunders.
Hardy	Thomas A. Brown.
Heacock	Thomas A. Brown.
Hunter.....	J. S. Hager.
Johnson.....	N. G. Curtis.
Kincaid	J. W. Coffroth.
Lawrence	J. W. Mandeville.
Lewis.....	J. D. Hambleton.
Mandeville.....	J. H. Lawrence.
McDougall.....	P. W. Murphy.
Mizner	Thomas A. Brown.
Morrill.....	A. P. Dudley.
Murch	Thomas A. Brown.
Murphy	F. McDougall.
Pearce	W. J. Shaw.
Pendegast	E. T. Wilkins.
Perley	Thomas A. Brown.
Pratt.....	Thomas A. Brown.
Roberts	Thomas A. Brown.
Robinson.....	Thomas A. Brown.
Rose	R. Casnor.
Shaw.....	George Pearce.
Teegarden	Thomas A. Brown.
Tubbs.....	Thomas A. Brown.
Tweed.....	Thomas A. Brown.
Wadsworth.....	Thomas A. Brown.
Wolcott	Thomas A. Brown.

The Clerk of the Assembly called the roll of that body and each member present announced the name of his choice for Senator, as follows:

Assemblymen.	Voted for.
Ables.....	Brown.
Angney	Biggs.
Ayer	Brown.
Batchelder.....	Brown.
Battelle	Brown.
Biggs	Angney.
Bird.....	T. Dawson.
Broderson.....	Scudder.
Brown of Contra Costa.....	Dwinelle.
Brown of Tulare.....	Freeman.
Buckbee.....	Brown.
Caldwell.....	Henley.
Canavan	Caldwell.
Church	Brown.
Clark.....	Pendegast.
Cochran.....	B. F. Washington.
Coggins.....	Brown.
Comte.....	B. B. Lee.
Connely.....	J. Middleton.
Crigler	J. Boggs.
Cureton	E. J. Curtis.
Davies	Brown.
Days.....	Brown.
Dornin	Brown.
Dryer	Brown.
Dwinelle.....	Brown.
Ellis	J. Watson.
Fairchild	T. N. Wand.
Farish	B. A. Mardis.
Frisbie	Brown.
Gildea.....	Kincaid.
Giltner.....	J. A. Stearn.
Gregory	George Payne.
Green	C. Haymond.
Hayes	J. Sloan.
James	J. J. Curry.
Jones	Brown.
Kelley	Meagher.
Lee	A. Comte, Jr.
Lupton	R. Watt.
Mace.....	C. M. Hitchcock.
Mahon.....	D. J. Oullahan.
Mardis.....	Farish.
Martin	J. B. Warfield.
Mattingly.....	Ryland.
McElhany	Brown.
Meagher	J. M. Kelly.
Mentzell.....	A. C. Adams.
Middleton	D. W. Connely.
Moore	John Bigler.
Morrow.....	Brown.

Assemblymen.	Voted for.
Newell	A. P. Bird.
Newsom	A. J. Gibson.
Oliver	Brown.
O'Malley	S. H. Rector.
Ord	J. E. N. Lewis.
Papy	S. L. Lupton.
Pardee	Brown.
Payne	J. B. Gregory.
Rector	J. J. O'Malley.
Rollins	Brown.
Russ	J. J. Papy.
Scudder	B. J. Broderson.
Spencer	Brown.
Spilman	P. W. Kiser.
Steele	John Nugent.
Tully	Asa Ellis.
Tuttle	Brown.
Waldron	Brown.
Wand	Fairchild.
Warfield	S. M. Martin.
Watson	Tully.
Westmoreland	Brown.
White	Brown.
Willets	G. E. Williams.
Wolleb	A. G. Russ.
Mr. Speaker	H. H. Haight.

The President announced the result of the ballot as follows:

Whole number of votes cast.....	116
Necessary to a choice.....	59

Thomas A. Brown received forty-four, and each of the following named persons one vote:

Henry Hamilton, James Johnson, J. C. Brown, John H. Saunders, John S. Hager, N. G. Curtis, J. W. Coffroth, J. W. Mandeville, J. D. Hambleton, J. H. Lawrence, P. W. Murphy, A. P. Dudley, F. McDougall, W. J. Shaw, E. T. Wilkins, Robert Cosner, George Pearce, Biggs, Angney, Newell, Scudder, Dwinelle, Freeman, Henley, Caldwell, Pendegast, B. F. Washington, B. B. Lee, J. Middleton, J. Boggs, E. J. Curtis, J. Watson, T. N. Wand, B. A. Mardis, Kincaid, J. A. Stearn, George M. Payne, C. Haymond, J. Sloan, J. G. Curry, Meagher, A. Comte, Jr., R. Watt, C. Hitchcock, D. J. Oullahan, Farish, J. B. Warfield, Ryland, J. M. Kelly, A. C. Adams, D. Connely, John Bigler, A. P. Bird, A. J. Gibson, S. H. Rector, J. E. N. Lewis, S. L. Lupton, J. B. Gregory, D. J. Oullahan, J. J. Papy, J. B. Broderson, P. W. Kiser, John Nugent, Ellis, Fairchild, S. M. Martin, Tully, G. E. Williams, A. G. Russ, H. H. Haight.

Mr. Coggins, of the Assembly, offered the following resolution:

Resolved, That we proceed to ballot for a United States Senator, and that all candidates receiving but one vote be dropped from the list after each ballot.

The President of the Senate declared it out of order.

Mr. Mandeville moved that the Convention do now adjourn.

The ayes and noes were demanded by Messrs. Johnson, Mizner and Murch.

And at twelve o'clock and fifty minutes the Joint Convention agreed to adjourn by the following vote:

AYES—Senators Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Pearce, Pendegast, Rose, Saunders, Shaw; Assemblymen Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Gildea, Giltner, Gregory, Green, Hayes, James, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Ord, Papy, Payne, Rector, Russ, Scudder, Spilman, Steele, Tuttle, Wand, Warfield, Watson, Willets, Wolleb, Mr. Speaker—68.

NOES—Senators Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott; Assemblymen Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Dryer, Dwinelle, Frisbie, Jones, McElhany, Moore, Morrow, Oliver, Pardee, Rollins, Spencer, Tully, Waldron, Westmoreland, White—47.

IN SENATE.

At one o'clock the Senate again convened.

President in the chair.

Roll called.

Quorum present.

Mr. Mizner moved to adjourn.

The President ruled the motion out of order, as the Senate was acting under operation of the previous question when interrupted by the business of the Joint Convention.

The Senate then came to a vote on the main question, the motion of Mr. Mizner to reconsider the vote whereby the supplementary report of the Joint Committee on Printing, as amended, was adopted.

The ayes and noes were demanded by Messrs. Conn, Mandeville and Hager.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—18.

NOES—Messrs. Banning, Conn, Curtis, Freeman, Green, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—20.

So the Senate refused to reconsider.

RESOLUTION.

Mr. Hager introduced the following concurrent resolution :

Resolved, That a joint committee of three from the Senate and three from the Assembly be appointed to inquire into and investigate the proceedings of the State Harbor Commissioners, and to report such recommendation thereon as the committee may deem proper, and with power to send for persons and papers.

Mr. Ewer moved to amend the resolution by striking out "three," and inserting "two from the Senate and two from the Assembly."

Lost.

Mr. Roberts moved to amend by striking out "three from the Senate," and inserting "two from the Senate."

Lost.

On motion of Mr. Lewis, the consideration of the resolution was made the special order for to-morrow, at half-past eleven o'clock A. M.

Mr. Banning moved that the Committee on Corporations report back immediately Senate Bills Nos. 33 and 34, previously referred to them.

Mr. Hager offered an amendment to the motion, that they report to-morrow at twelve o'clock M.

Lost.

The previous motion of Mr. Banning prevailed, and both bills were referred to the Los Angeles delegation.

NOTICES.

Mr. Pendegast gave notice of the introduction of a bill for an Act to repeal an Act entitled an Act to create the office of State Geologist and to define the duties thereof, approved April fourth, eighteen hundred and sixty-four.

GENERAL FILE.

Assembly Bill No. 12—An Act making appropriations for the seventeenth session of the Legislature.

Referred to the Finance Committee.

Senate Bill No. 39—An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 27—An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others to construct a lock on Cache Creek, at or near the outlet of Clear Lake, in Lake County.

Referred to the Napa, Lake and Solano County delegations.

INTRODUCTION OF BILLS.

Bills were introduced without notice as follows:

By Mr. Murphy—An Act to restore and protect the fund for current expenses in San Luis Obispo County.

Read first and second times and referred to the Judiciary Committee, with special instructions to report to-morrow

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly, which, on motion of Mr. Lewis, was considered:

ASSEMBLY CHAMBER. }
December 18th, 1867. }

Mr. PRESIDENT: I am directed by the Assembly to inform the Senate, that the Assembly this day passed Senate Bill No. 21—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved February twenty-sixth, eighteen hundred and sixty-six.

W. S. BYRNE.
Assistant Clerk.

On motion of Mr. Roberts, at one o'clock and fifty-five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN.
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, }
Thursday, December 19th, 1867. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday was read and amended by inserting "Joint Assembly" instead of "Joint Convention," and approved as amended.

Mr. Ewer spoke to a question of privilege relative to his remarks concerning a bill introduced by him coming upon its passage yesterday contained in this morning's *Daily Union*.

PETITION.

Mr. Lawrence presented a petition from J. M. Hutchings and J. C. Lamon, settlers in Yosemite Valley under the pre-emption laws of the

United States, asking the Legislature to take such steps as will secure them their title to the lands they occupy, or to pay them a fair price for their outlay.

Mr. Lawrence moved to dispense with the reading of the petition and that the same be ordered printed.

Lost.

On motion of Mr. Hardy, the further reading of the petition was dispensed with.

Mr. Ewer moved to refer to the Committee on Public Lands.

Lost.

Mr. Lawrence moved to refer the whole subject matter to a select Committee of three to be appointed by the President.

Lost.

Pending further action thereon, the hour arrived for the consideration of the special order.

SPECIAL ORDER.

Senate Concurrent Resolution No. 16, to appoint a Joint Committee to inquire into and report the proceedings of the State Harbor Commissioners, etc.

On motion of Mr. Mizner, the resolution was postponed until the above petition was disposed of.

On motion of Mr. Mandeville, the whole subject matter was referred to a Special Committee composed of Messrs. Mizner, Lawrence and Shaw.

SPECIAL ORDER.

Senate Concurrent Resolution No. 16, above referred to, was taken up.

Mr. Hager moved to amend the concurrent resolution by striking out the words, in the third and fourth lines, "to be named by the Chair."

Lost.

The resolution was adopted.

REPORTS.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Concurrent Resolution No. 12, relative to the construction of a breakwater in the harbor of Wilmington, have had the same under consideration, and report it back and recommend its passage.

MIZNER, Chairman.

Mr. Mizner also presented the following:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates or assigns, to construct and maintain a wharf at Horton's addition to New San Diego, in the County of San Diego—have had the same under consideration and made amendments thereto, and recommend its passage as amended.

MIZNER, Chairman.

The bill above reported was recommitted to the San Diego delegation. Mr. Murch, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined, and find correctly enrolled, Senate Bill No. 21—An Act to amend an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved February twenty-sixth, eighteen hundred and sixty-six—and this day at ten o'clock and forty-five minutes A. M. presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, presented the following:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 14—An Act to provide for the distribution of the reports of the Supreme Court;

Also, Senate Bill No. 13—An Act to exempt certain property from execution;

Also, Senate Bill No. 3—An Act to repeal an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Acts supplemental and amendatory thereof;

Also, Senate Bill No. 37—An Act to authorize Richard Abbey, administrator of the estate of R. H. Farquhar, deceased, to sell certain land and real estate;

Have had said bills under consideration and report the same back, and recommend their passage without amendment.

Also, Senate Bill No. 47—An Act to restore and protect the fund for current expenses in San Luis Obispo County—have had the same under consideration and report the same back with a substitute, and recommend the adoption of the substitute.

Also, Senate Bill No. 24—An Act to fix and determine the salary of the County Judge in and for the County of Santa Cruz, State of California—and report the same back with a substitute, without recommendation.

Since the last mentioned bill, as introduced, as well as others of a like nature which have been referred to your committee, propose to increase the salaries of the County Judges elect in various counties, your committee have deemed it proper to embody their views in their report, as follows:

Section fifteen of Article six of the Constitution, declares: "That Justices of the Supreme Court, District Judges and County Judges shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the County Treasury of their respective counties."

No question can be made that any attempt to increase or diminish the compensation after the judicial incumbent was actually installed in office would meet the express prohibition of the Constitution.

But it is claimed that such change may be made after the election and

before the commencement of such judicial term. It is possible that the section in question may bear this construction; but it is very evident that the spirit and intent of the organic law would be clearly violated by such interpretation. It was doubtless intended to place judicial officers beyond the reach alike of partisan friendship or political enemies, and thus secure complete independence in this branch of the Government. This wise and beneficial policy would be utterly defeated were such applications favored by the Legislature.

Your Committee have also had under consideration Senate Bill No. 12—An Act to amend an Act entitled an Act to fix the salaries of the County Judges of Shasta, Trinity and Tehama and to provide for the payment of the same—and report the same back and recommend its indefinite postponement.

Also, your Committee have had Senate Bill No. 42—An Act to fix the salary of the County Judge of San Bernardino County—and report the same back with an amendment and without recommendation.

BELDEN, Chairman.

Mr. Banning, from the Los Angeles delegation, presented the following report:

MR. PRESIDENT: The delegation from Los Angeles, to whom was referred Senate Bills Nos. 33 and 34—An Act to authorize the Board of Supervisors of Los Angeles County to subscribe to the stock of a certain railroad; and an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe stock of a certain railroad—have had the same under consideration, made amendments thereto, report them back and recommend their passage.

BANNING, Chairman.

The rules were suspended and the bills above reported were taken up and severally ordered engrossed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, December 18th, 1867. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 1—An Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature.

H. H. HAIGHT, Governor.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
December 18th, 1867. }

MR. PRESIDENT: I am directed by the Assembly to inform the Senate that the Assembly on this day passed Assembly Concurrent Resolution No. 16, relative to appropriating funds to defray the inaugural expenses.

Also, passed to-day Assembly Bill No. 59—An Act to fix the salary of the County Judge of San Diego County.

W. S. BYRNE,
Assistant Clerk.

The resolution above reported was referred to the Committee on Contingent Expenses.

Assembly Bill No. 59, above reported, was taken up and read first and second times.

Mr. Johnson moved to refer the bill to the Judiciary Committee.

The ayes and noes were demanded by Messrs. Murphy, Shaw and Banning.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Hager, Heacock, Johnson, Murch, Pearce, Perley, Roberts, Robinson, Tabbs, Tweed, Wadsworth, Wolcott—16.

NOES—Messrs. Banning, Conly, Conn, Curtis, Ewer, Freeman, Green, Hardy, Hunter, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Shaw, Teegarden—20.

So the motion was lost.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
December 19th, 1867. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly is now ready to receive the Senate in Joint Convention to ballot for a United States Senator, in accordance with the Act of Congress passed July twenty-fifth, eighteen hundred and sixty-six—an Act entitled an Act to regulate the times and manner of holding elections for Senators in Congress.

W. S. BYRNE,
Assistant Clerk.

The Senate repaired to the Assembly Chamber to ballot in Joint Assembly for a United States Senator.

IN JOINT ASSEMBLY.

The Senate and Assembly this day again assembled according to the provisions of the Act of Congress making it the duty of both houses to meet for the election of United States Senator.

The President of the Senate and Speaker of the Assembly presided.

The Secretary called the roll of the Senate and a quorum was present, as follows :

Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott.

The roll of the Assembly was then called by the Clerk, and the following members responded:

Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connelly, Crigler, Cureton, Davies, Days, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardoe, Payne, Rector, Rollins, Russ, Scudder, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker.

The Secretary read from the Senate Journal the proceedings of the Joint Assembly on Wednesday, December seventeenth, eighteen hundred and sixty-seven, and the record was approved.

SECOND BALLOT.

The Joint Assembly proceeded to ballot a second time for a United States Senator to succeed Honorable John Conness at the expiration of his term of office.

The Senate roll was called, and each Senator present announced his choice as follows:

Senators.	Voted for.
Banning	Thomas A. Brown.
Beach	Thomas A. Brown.
Belden	Thomas A. Brown.
Bradley	Thomas A. Brown.
Chappell	Thomas A. Brown.
Conly	Thomas A. Brown.
Conn	Henry Hamilton.
Curtis	James Johnson.
Ewer	Thomas A. Brown.
Freeman	J. C. Brown, of Tulare.
Green	Thomas A. Brown.
Hager	John H. Saunders.
Hardy	J. W. Freeman.
Heacock	Thomas A. Brown.
Hunter	John S. Hager.
Johnson	N. Greene Curtis.
Kincaid	James W. Coffroth.
Lawrence	James W. Mandeville.
Lewis	J. D. Hambleton.

Senators.	Voted for.
Mandeville.....	James H. Lawrence.
McDougall.....	Patrick W. Murphy.
Mizner.....	Thomas A. Brown.
Morrill.....	Allen P. Dudley.
Murch.....	Thomas A. Brown.
Murphy.....	F. McDougall.
Pearce.....	J. W. Shaw.
Pendegast.....	E. T. Wilkins.
Perley.....	Thomas A. Brown.
Roberts.....	Thomas A. Brown.
Robinson.....	Thomas A. Brown.
Rose.....	Robert Cosner.
Shaw.....	George Pearce.
Teegarden.....	Thomas A. Brown.
Tubbs.....	Thomas A. Brown.
Tweed.....	Thomas A. Brown.
Wadsworth.....	Thomas A. Brown.
Wolcott.....	Thomas A. Brown.

The Clerk called the roll of the Assembly, and each member of that body announced his choice as follows:

Assemblymen.	Voted for.
Ables.....	Thomas A. Brown.
Angney.....	Biggs.
Ayer.....	Brown.
Batchelder.....	Brown.
Battelle.....	Brown.
Bever.....	Brown.
Biggs.....	Angney.
Bird.....	T. Dawson.
Broderson.....	Scudder.
Brown of Contra Costa.....	W. Oliver.
Brown of Tulare.....	Freeman.
Buckbee.....	Brown.
Caldwell.....	Henley.
Canavan.....	Caldwell.
Church.....	Brown.
Clark.....	Pendegast.
Cochran.....	B. F. Washington.
Coggins.....	Brown.
Comte.....	C. L. Weller.
Connely.....	J. Middleton.
Crigler.....	J. Boggs.
Cureton.....	E. Curtis.
Davies.....	Brown.
Days.....	Brown.

Assemblymen.	Voted for.
Dornin.....	Brown.
Dryer.....	Brown.
Dwinelle.....	Brown.
Ellis.....	J. A. Watson.
Fairchild.....	T. N. Wand.
Farish.....	B. A. Mardis.
Frisbie.....	Brown.
Gildea.....	Kincaid.
Giltner.....	J. A. Stearn.
Gregory.....	R. F. Stevens.
Green.....	C. Haymond.
Hayes.....	J. Sloan.
James.....	B. J. Curry.
Jones.....	Brown.
Kelley.....	Meagher.
Lec.....	Wm. Holden.
Lupton.....	A. J. Bowie.
Mace.....	C. M. Hitchcock.
Mahon.....	D. J. Oullaban.
Mardis.....	Farish.
Martin.....	J. B. Warfield.
Mattingly.....	Ryland.
McElhany.....	Brown.
Meagher.....	T. P. Slade.
Mentzell.....	A. C. Adams.
Middleton.....	D. Connely.
Moore.....	John Bigler.
Morrow.....	Brown.
Newell.....	W. A. January.
Newsom.....	A. J. Gibson.
Oliver.....	Brown.
O'Malley.....	T. H. Rector.
Ord.....	J. E. N. Lewis.
Papy.....	S. L. Lupton.
Pardee.....	Brown.
Rector.....	J. J. O'Malley.
Rollins.....	Brown.
Russ.....	J. Papy.
Scudder.....	J. B. Broderson.
Smith.....	Brown.
Spencer.....	Brown.
Spilman.....	W. H. Bird.
Tully.....	Ellis.
Tuttle.....	Brown.
Waldron.....	Brown.
Wand.....	Fairchild.
Warfield.....	W. N. Johnson.
Watson.....	Tully.
Westmoreland.....	Brown.
White.....	Brown.

Assemblymen.	Voted for.
Willets.....	B. Patten.
Wolleb.....	A. Russ.
Mr. Speaker.....	H. H. Haight.

The President announced the result of the ballot just taken as follows:

Whole number of votes cast.....115
Necessary to a choice..... 58

Of which Thomas A. Brown received forty-three votes, J. W. Freeman received two votes, and each of the other named persons received one vote.

No person having received a majority of all the votes cast, the Joint Assembly had failed to elect a person to the office of United States Senator, according to the intent and meaning of the Act of Congress by which the Joint Assembly was convened.

Mr. Pendegast moved to adjourn.

Messrs. Heacock, Coggins and Roberts demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Senators Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Shaw; Assemblymen Angney, Biggs, Bird, Broderson, Brown of Tulare, Caldwell, Canavan, Clark, Cochran, Comte, Connely, Crigler, Cureton, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, James, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Middleton, Newell, Newsom, O'Malley, Ord, Papy, Russ, Spilman, Steele, Tully, Wand, Warfield, Watson, Willets, Wolleb, Mr. Speaker—67.

NOES—Senators Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tibbbs, Tweed, Wadsworth, Wolcott; Assemblymen Ables, Ayer, Batchelder, Battelle, Bever, Brown of Contra Costa, Buckbee, Church, Coggins, Davies, Days, Dornin, Dryer, Dwinelle, Jones, McElhany, Moore, Morrow, Oliver, Pardee, Rector, Rollins, Spencer, Tuttle, Waldron, Westmoreland, White—47.

Accordingly, at twelve o'clock and fifty minutes the Joint Assembly adjourned.

IN SENATE.

The Senate again convened at one o'clock P. M.

President in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of Assembly Bill No. 59, above reported in a message from the Assembly.

The Secretary was authorized to correct a clerical error in the bill, by striking out the word "Treasurer," and inserting the word "Treasury."

The rules were suspended and the bill read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Johnson, Roberts and Robinson, and the Senate refused to pass the bill, by the following vote :

AYES—Messrs. Banning, Conly, Conn, Curtis, Ewer, Freeman, Green, Hunter, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pendegast, Shaw—17.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Hager, Hardy, Heacock, Johnson, Mizner, Mureh, Pearce, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

INTRODUCTION OF BILLS.

Bills were introduced, by leave, without notice, as follows :

By Mr. Hager—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of the State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times and referred to Finance Committee.

By Mr. Mizner—An Act for the security of purchasers of lands at tax sales.

Read first and second times and referred to Judiciary Committee.

By Mr. Robinson—An Act to prevent seduction.

Read first and second times and referred to Committee on Public Morals.

By Mr. Wolcott—An Act supplementary to an Act entitled an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono Road, near West Walker River, to a point in Antelope Valley, and the right to collect toll for travel thereon.

Read first and second times, and referred to the Tuolumne and Mono delegation.

NOTICES AND MOTIONS.

On motion of Mr. Murphy, Senate Bill No. 47, reported from the Judiciary Committee, was taken up under suspension of the rules.

The substitute reported from the committee was adopted.

The rules were again suspended, the substitute considered engrossed, read a third time and passed.

Mr. Mizner gave notice that to-morrow he would move a reconsideration of the vote whereby the Senate refused to pass Assembly Bill No. 59—An Act to fix the salary of the County Judge of San Diego County.

Mr. McDougall moved to take up Senate Bill No. 22 and substitute reported therefor, for consideration, but the Senate refused to suspend the rules.

APPOINTMENT.

The President announced the appointment of the following Senators to represent the Senate in a joint committee :

JOINT COMMITTEE TO INVESTIGATE AND REPORT UPON THE TRANSACTIONS OF THE STATE HARBOR COMMISSIONERS.

Messrs. Curtis, Lewis and Conly.

PROPOSED AMENDMENTS.

Mr. Mizner introduced Senate Concurrent Resolution No. 18, proposing certain amendments to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee.

At one o'clock and fifteen minutes P. M., on motion of Mr. Murch, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.
Friday, December 20th, 1867. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITION.

Mr. Hunter presented a petition from citizens of Placer, El Dorado and Nevada Counties, praying for a reduction in the present rates of fare of the Central Pacific Railroad Company.

Read and referred to Committee on Internal Improvement.

Mr. Belden presented a petition from residents and taxpayers of Nevada School District praying for the passage of an Act levying and assessing a tax for building purposes on the taxable property of said school district.

Read and referred to the Nevada delegation.

REPORT.

Mr. Tubbs, from the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 12—An Act making appropriation for the seventeenth session of the Legislature—report the same back with a substitute, and recommend the passage of the substitute.

TUBBS, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
December 20th, 1867. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on December fourteenth passed, under suspension of the rules, Assembly Bill No. 27—An Act fixing the salary of the County Judge of Santa Clara County.

Also passed, December fourteenth, Assembly Bill No. 42—An Act regulating fees for the Probate Court of San Joaquin County.

Also, on the nineteenth instant, passed, under suspension of the rules, Assembly Bill No. 67—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County, and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six.

Also, same day passed Assembly Bill No. 56—An Act to reduce the salary of the County Judge of Calaveras County.

Also, on the seventeenth instant, adopted Assembly Concurrent Resolution No. 14, relative to appropriation for printing nineteen hundred and twenty copies of the report of the Engineers of the Sacramento Valley Canal.

Also, on the nineteenth instant, concurred in Senate Concurrent Resolution No. 16, concurrent resolution to appoint a joint committee to inquire into and report on the proceedings of the State Harbor Commissioners, etc.

Also, on same day, concurred in supplementary report of the joint committee on printing Governor's Message and accompanying documents.

Also, on same day, concurred in Senate Concurrent Resolution No. 17, relative to printing reports of State institutions.

Also, on same day, passed, under suspension of the rules, Assembly Bill No. 24—An Act amendatory of an Act fixing the salary of the County Judge of Mariposa County, approved May thirteenth, eighteen hundred and sixty-one.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 24, above reported, was read first and second times and referred to the Mariposa delegation.

Assembly Concurrent Resolution No. 14, above reported, was read first and second times and referred to the Committee on Printing.

Assembly Bill No. 56, above reported, was read first and second times and referred to the Calaveras delegation.

Assembly Bill No. 67, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 27, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 42, above reported, was read first and second times and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows :

By Mr. Saunders—An Act entitled an Act to authorize the guardian of Victoriano Guerrero, a minor, to sell certain property at private sale. Read first and second times and referred to Judiciary Committee.

By Mr. Belden—An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

Read first and second times and referred to the Committee on Claims.

GENERAL FILE.

Senate Concurrent Resolution No. 12, relative to the construction of a breakwater at Wilmington.

Adopted.

The rules were suspended for the introduction of the following resolution by Mr. Hardy :

Resolved by the Senate, the Assembly concurring, That when the two houses adjourn on this twentieth day of December, they stand adjourned to Tuesday, the seventh day of January, eighteen hundred and sixty-eight, at one o'clock P. M.

Adopted.

Mr. Lewis moved to amend by striking out "seventh" and inserting "third."

Lost.

Mr. Hager moved to amend by striking out "this twentieth day of December" and inserting "to-morrow, the twenty-first day of December."

Mr. Tweed moved to amend the amendment, "that when the Legislature convene on the seventh of January, eighteen hundred and sixty-eight, it be at one o'clock instead of eleven o'clock."

The amendment was accepted by Mr. Hager.

The ayes and noes having been demanded by Messrs. Murch, Robinson and Green, the vote was as follows :

AYES—Messrs. Banning, Conly, Conn, Curtis, Ewer, Green, Hardy, Heacock, Hunter, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murphy, Pearce, Pratt, Roberts, Robinson, Saunders, Teegarden, Tubbs, Wolcott—23.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Hager, Johnson, Mandeville, Mizner, Murch, Pendegast, Perley, Shaw, Tweed, Wadsworth—14.

So the resolution was adopted.

Senate Bill No. 14—An Act to provide for the distribution of the reports of the Supreme Court.

The rules were suspended and the bill was considered engrossed, read a third time and passed.

REPORTS.

Mr. Wadsworth, from the Committee on Engrossment, reported as follows :

Mr. PRESIDENT : The Committee on Engrossment have examined and found correctly engrossed Senate Bill No. 39—An Act to amend an Act

entitled an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty six.

Also, Senate Bill No. 33—An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Also, Senate Bill No. 34—An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

WADSWORTH, Chairman.

GENERAL FILE.

Senate Bill No. 13—An Act to exempt certain property from execution.

Ordered engrossed.

Senate Bill No. 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Act supplemental thereto and amendatory thereof.

Ordered engrossed.

Senate Bill No. 37—An Act to authorize Richard Abbey, administrator of the estate of R. H. Farquhar, deceased, to sell certain lands and real estate.

Ordered engrossed.

Senate Bill No. 22—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz.

Substitute adopted and ordered engrossed.

Senate Bill No. 12—An Act to amend an Act entitled an Act to fix the salaries of the County Judges of the Counties of Shasta, Trinity and Tehama, and to provide for the payment of the same.

Indefinitely postponed.

Senate Bill No. 42—An Act to fix the salary of the County Judge of San Bernardino County.

MESSAGE FROM THE ASSEMBLY.

Pending action on the foregoing bill, the following message was received from the Assembly :

ASSEMBLY CHAMBER,
December 20th, 1867. }

MR. PRESIDENT : I am directed by the Assembly to inform the Senate that the Assembly is now ready to meet the Senate in Joint Assembly for the purpose of balloting for a United States Senator, in accordance with the Act of Congress passed July twenty-fifth, eighteen hundred

and sixty-six—An Act entitled an Act to regulate the times and manner of holding elections for Senators in Congress.

W. S. BYRNE,
Assistant Clerk.

Whereupon the Senate proceeded in a body to the Assembly Chamber.

IN JOINT ASSEMBLY.

The Senate and Assembly this day again convened in Joint Assembly, according to the provisions of the Act of Congress making it the duty of both houses to meet for the election of United States Senator, the President pro tem. of the Senate and Speaker of the Assembly presiding.

The Secretary called the roll of the Senate and a quorum was present, as follows:

Senators Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott.

The Clerk called the roll of the Assembly and a quorum was present, as follows:

Assemblymen Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Brown of Contra Costa, Brown of Tulare, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connelly, Crigler, Cureton, Davies, Days, Dornin, Dryer, Dwinelle, Ellis, Fairchild, Farish, Frisbie, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mace, Mahon, Mardis, Martin, Mattingly, Meagher, Mentzell, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Ryland, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Watson, Westmoreland, White, Willets, Wolleb, Mr. Speaker.

The Secretary read from the Senate Journal the proceedings of the Joint Assembly of Thursday, December nineteenth, eighteen hundred and sixty-seven, and the record was approved.

The President pro tem. declared nominations in order for a United States Senator to succeed the Honorable John Conness at the expiration of his term of office.

Mr. Shaw nominated Eugene Casserly, of San Francisco.

THIRD BALLOT.

The Joint Assembly proceeded to ballot a third time.

The Senate roll was called and each Senator present announced his choice, as follows:

Senators.	Casserly.	Brown.
Banning.....		1
Beach.....		1
Belden.....		1
Bradley.....		1
Chappell.....		1
Conly.....		1
Conn.....	1	
Curtis.....	1	
Ewer.....		1
Freeman.....	1	
Green.....		1
Hager.....	1	
Hardy.....		1
Heacock.....		1
Hunter.....	1	
Johnson.....	1	
Kincaid.....	1	
Lawrence.....	1	
Lewis.....	1	
Mandeville.....	1	
McDougall.....	1	
Mizner.....		1
Morrill.....	1	
Murch.....		1
Murphy.....	1	
Pearce.....	1	
Pendegast.....	1	
Perley.....		1
Roberts.....		1
Robinson.....		1
Rose.....	1	
Saunders.....	1	
Shaw.....	1	
Teegarden.....		1
Tubbs.....		1
Tweed.....		1
Wadsworth.....		1
Wolcott.....		1
Total.....	18	20

The Clerk called the roll of the Assembly and each member of that body announced his choice, as follows :

Assemblymen.	Cassery.	Brown.
Ables.....		1
Angney.....	1	
Ayer.....		1
Batchelder.....		1
Battelle.....		1
Bever.....		1
Biggs.....	1	
Bird.....	1	
Broderson.....	1	
Brown of Contra Costa*.....		
Brown of Tulare.....	1	
Buckbee.....		1
Caldwell.....	1	
Canavan.....	1	
Church.....		1
Clark.....	1	
Cochran.....	1	
Coggins.....		1
Comte.....	1	
Connely.....	1	
Crigler.....	1	
Cureton.....	1	
Davies.....		1
Days.....		1
Dornin.....		1
Dryer.....		1
Dwinelle.....		1
Ellis.....	1	
Fairchild....	1	
Farish.....	1	
Frisbie.....		1
Gildea.....	1	
Giltner.....	1	
Gregory.....	1	
Green.....	1	
Hayes.....	1	
James.....	1	
Jones.....		1
Kelley.....	1	
Lee.....	1	
Lupton.....	1	
Mace.....	1	
Mahon.....	1	
Mardis.....	1	
Martin.....	1	
Mattingly.....	1	
Meagher.....	1	
Mentzell.....	1	
Middleton.....	1	

* Mr. Brown of Contra Costa voted for Oliver Wolcott.

Assemblymen.	Casserly.	Brown.
Moore.....	1	.....
Morrow.....	.....	1
Newell.....	1	.....
Newsom.....	1	.....
Oliver.....	.....	1
O'Malley.....	1	.....
Ord.....	1	.....
Papy.....	1	.....
Pardee.....	.....	1
Payne.....	1	.....
Rector.....	1	.....
Rollins.....	.....	1
Russ.....	1	.....
Scudder.....	1	.....
Smith.....	.....	1
Spencer.....	.....	1
Spilman.....	1	.....
Steele.....	1	.....
Tully.....	1	.....
Tuttle.....	.....	1
Waldron.....	.....	1
Wand.....	1	.....
Watson.....	1	.....
Westmoreland.....	.....	1
White.....	.....	1
Willets.....	1	.....
Wolleb.....	1	.....
Mr. Speaker.....	1	.....
Total.....	51	25

The President pro tem. announced the result of the ballot, as follows :

Whole number of votes cast.....	115
Necessary to a choice.....	58
Eugene Casserly received.....	69
Thos. A Brown.	45
Oliver Wolcott.....	1

Eugene Casserly, having received a majority of all the votes cast by the members of both Houses present and voting in Joint Assembly, was by the President pro tem. declared duly elected to represent the State of California in the Senate of the United States for the term of six years from and after the expiration of the term of office of the Honorable John Conness.

Mr. Biggs, of the Assembly, moved to appoint a committee to inform Mr. Casserly of his election.

The President pro tem. appointed Messrs. Biggs, Rose, Belden, Brown of Contra Costa and Frisbie.

On motion of Mr. Pearce, at twelve o'clock and fifteen minutes p. m. the Joint Assembly adjourned.

IN SENATE.

The Senate again convened at half past twelve o'clock, p. m.

The President pro tem. in the chair.

Roll called.

Quorum present.

Mr. Ewer was granted leave of absence until Tuesday.

The Senate resumed consideration of Senate Bill No. 42.

Mr. Morrill moved to indefinitely postpone the bill, and the Senate consented.

Mr. Hardy, from the Calaveras delegation, verbally reported Assembly Bill No. 56—An Act to reduce the salary of the County Judge of Calaveras County.

The bill was referred to the Judiciary Committee.

The rules were suspended, on motion of Mr. Banning, and Senate Bills Nos. 33 and 34, before reported engrossed, were taken up, severally read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
December 20th, 1867.* }

MR. PRESIDENT: The Assembly, on the nineteenth instant, under a suspension of the rules, passed Assembly Bill No. 68—An Act to extend the time for finishing the construction of a wharf, under the provisions of an Act to authorize the construction of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six.

Also, this day refused to concur in Senate Concurrent Resolution No. 19, for adjourning over during the holidays.

Also, the Assembly this day adopted, as amended, Assembly Concurrent Resolution No. 18, relative to adjourning over for the approaching holidays.

W. S. BYRNE,
Assistant Clerk.

Assembly Bill No. 68, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Concurrent Resolution No. 18, above reported, was concurred in.

On motion of Mr. Lewis, at one o'clock and thirty minutes p. m. the Senate adjourned.

L. B. MIZNER,
President pro tem. of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Friday, January 3d, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

No quorum present.

Prayer by the Chaplain.

Leave of absence was granted to Messrs. Freeman and Pearce until Tuesday next; and to Messrs Hager, Shaw, Saunders, Conn. Murphy, Pendegast, Tweed, Ewer, Pratt, Belden, Roberts, Hunter, Rose and Chapell until Wednesday next.

On motion of Mr. Mandeville, at eleven o'clock A. M., the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, January 4th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Beach until Monday next.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Acts supplemental thereto and amendatory thereof.

Also, Senate Bill No. 13—An Act to exempt certain property from execution.

Also, Senate Bill No. 14—An Act to provide for the distribution of the reports of the Supreme Court.

Also, substitute for Senate Bill No. 22—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz.

Also, Senate Bill No. 37—An Act to authorize Richard Abbey, administrator of the estate of R. H. Farquhar, deceased, to sell certain lands and real estate.

Also, substitute for Senate Bill No. 47—An Act to restore and protect the Fund for Current Expenses in San Luis Obispo County.

WADSWORTH, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows :

By Mr. Tweed—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times and referred to Judiciary Committee.

By Mr. Lewis—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times.

Mr. Lewis moved to suspend the rules and consider the bill now.

Lost.

The bill was ordered to the general file.

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor announcing his approval of Senate Bills Nos. 4 and 21.

FURTHER INTRODUCTION OF BILLS.

By Mr. Mizner—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Read first and second times.

Mr. Mizner moved to suspend the rules and consider the bill now.

Lost.

The bill was ordered to the general file.

By Mr. Mandeville—An Act to fix the terms of the Probate Court in and for the County of Tuolumne.

Read first and second times and referred to the Tuolumne delegation.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Mr. Murch offered the following :

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its seventeenth session, commencing on the second day of December, eighteen hundred and sixty-seven, proposed the following amendments to sections two, three and five, of Article four of the Constitution.

Article Four—Legislative Department.

Section two of said Article is amended so as to read as follows :

Section 2. The sessions of the Legislature shall be biennial, and shall commence on the first Wednesday after the first Monday in January next ensuing the election of its members, unless the Governor shall in the interim convene the Legislature by proclamation. No session shall continue longer than one hundred days.

Section three of said Article is amended so as to read as follows :

Section 3. Members of the Assembly shall be chosen biennially by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature ; they shall hold their office two years, and their term of office shall commence on the first Wednesday after the first Monday in January next ensuing their election ; *provided*, that members of the Assembly holding office when this section takes effect shall continue in office during the term for which they were elected and until their successors are elected and qualified.

Section five of said Article is amended so as to read as follows :

Section 5. Senators shall be chosen at the same time and places as members of the Assembly, for the term of four years. Their term of office shall commence on the first Wednesday after the first Monday in January next ensuing their election. No person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State, and of the district for which he shall be chosen, one year next preceding his election ; *provided*, that Senators holding office when this section takes effect shall hold their office during the term for which they were elected and until their successors are elected and qualified.

And the Legislature of the State of California at its seventeenth session, commencing on the second day of December, eighteen hundred and sixty-seven, propose the following amendments to section two of Article five of the Constitution.

Article Five—Executive Department.

Section two of said Article is amended so as to read as follows :

Section 2. The Governor shall be elected by the qualified electors of the State, at the time and place of voting for members of the Assembly, and shall hold his office four years from and after the first Wednesday after the first Monday in January next ensuing his election, and until his successor is elected and qualified ; *provided*, that the Governor and other State officers holding office when this section takes effect shall hold their offices during the term for which they were elected, and until their successors are elected and qualified.

Read first and second times and referred to Judiciary Committee.
By Mr. Wolcott—An Act for the better protection of game.

Read first and second times and referred to the joint delegations from Alameda, Contra Costa, San Francisco, Marin and Tulare.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Teegarden—An Act granting a franchise to build a bridge across the Yuba River at or near Marysville.

By Mr. Lewis—An Act to legalize certain acts of the Board of Supervisors of Tehama County.

The rules were suspended, and Mr. Belden had leave to introduce a bill for an Act for the relief of E. F. Spence, County Treasurer of Nevada County.

Read first and second times and referred to the Committee on Claims.

On motion of Mr. Green, there being no further business, at eleven o'clock and thirty minutes A. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Monday, January 6th, 1868. }

Senate met pursuant to adjournment.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Prayer by the Chaplain.

Leave of absence was granted to Mr. Rose until Monday.

The President presented a report from the Trustees of the State Library for the years eighteen hundred and sixty-six and eighteen hundred sixty-seven, which was referred to Joint Committee on Printing.

[For report see Appendix.]

REPORTS.

Mr. Lawrence, from the Mariposa delegation, made the following report:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 24—An Act amendatory of an Act fixing the salary of the County Judge of Mariposa County—respectfully submit the following report:

The bill referred to provides for the reduction of the salary of the County Judge from three thousand dollars to two thousand five hundred dollars per annum. The salary as at present fixed by law is payable out of the County General Fund in county scrip, worth about seventy-five cents on the dollar, amounting to a little over two thousand dollars in cash. The amount of litigation in the county renders it necessary for the Judge to devote his time and attention to the duties of his office, to

the exclusion of other business avocations. The salary only affords a bare living upon an economical basis. It amounts to less than one-half the pay of the County Clerk, which is a feed office, and about one-fourth of the Sheriff's perquisites and fees, which for ten years past have amounted to from ten to fourteen thousand dollars per annum.

The people require retrenchment and reform, but not to the extent of starving the County Judge or sending his family out in the cold world to gather acorns and pine nuts.

Furthermore, I am opposed to the reduction of the salaries of judicial officers, upon general principles; believing that they should be placed in a position, pecuniarily, that would render them invulnerable even to a suspicion of yielding to corrupt influences.

For these reasons, I desire to have my vote recorded, in every instance, against this class of propositions—waiving any claim to buncombe on the ground of economy when it has to be purchased at the price of pauperizing the Judiciary.

The bill is therefore respectfully returned, with a recommendation that it may be indefinitely postponed.

LAWRENCE, for Delegation.

Mr. Wolcott verbally reported back Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to act as County Superintendent of Public Schools—recommending its passage.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 3d, 1867. }

To the Senate of California:

I have to inform your honorable body that I have approved Senate Bill No. 4—An Act repealing an Act entitled an Act imposing further duties upon the Board of Supervisors of the County of Mariposa.

Also, Senate Bill No. 21—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved February twenty-sixth, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows:

By Mr. Mizner—An Act entitled an Act concerning corporations.

Read first and second times and referred to Committee on Corporations.

Also, an Act to authorize the Board of Supervisors of Solano County to pay a certain claim.

Read first and second times and placed on file.

By Mr. Teegarden—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed April thirtieth, eighteen hundred and sixty.

Read first and second times and referred to the Finance Committee.

By Mr. Tweed—An Act to amend an Act entitled an Act concerning offices, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Teegarden—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands.

Read first and second times and referred to the Yuba and Sutter delegations.

By Mr. Perley—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Read first and second times and referred to Committee on Claims.

By Mr. Conly—An Act to repeal an Act entitled an Act concerning the military of the State of California, approved April twenty-second, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Military Affairs.

Also, an Act concerning the organization of the militia.

Read first and second times and referred to the Committee on Military Affairs.

RESOLUTION.

Mr. Robinson introduced the following:

Resolved by the Senate, the Assembly concurring, That Professor J. D. Whitney be invited to address the Legislature on the subject of the progress of his labors as State Geologist, and that the use of the Assembly Chamber be tendered him any evening that may suit his convenience.

Adopted.

NOTICE.

Notice of the introduction of a bill was given, as follows:

By Mr. Beach—An Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Mr. Mizner offered the following amendment to the Constitution of the State of California:

Proposed Amendment to the Constitution of the State of California.

The Senate and Assembly of the State of California, at the seventeenth session of the Legislature, convened in the City of Sacramento on the second day of December, A. D. eighteen hundred and sixty-seven, do propose the following amendment to the Constitution of the State of California:

Section thirteen of Article eleven of the Constitution is hereby amended so as to read as follows:

Section 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-

thirds of all the members elected to both houses of the Legislature may think proper to exempt from taxation.

Read first and second times and referred to the Judiciary Committee.

RESOLUTION.

Mr. Tweed introduced a concurrent resolution providing for appointment of a joint committee to complete and arrange all the general laws of the State.

Mr. Roberts moved to make the resolution the special order for next Monday at one o'clock P. M.

Mr. Pearce moved to amend by inserting that the usual number of copies be ordered printed.

The amendment was accepted by Mr. Roberts.

The resolution was made the special order for Monday, January thirteenth, at one o'clock P. M.

Mr. Tubbs introduced a concurrent resolution relating to adjourning *sine die*.

On the adoption of the resolution the ayes and noes were demanded by Messrs. Tubbs, Johnson and Lewis.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Conly, Conn, Ewer, Hardy, Mizner, Pearce, Robinson, Tubbs, Wadsworth, Wolcott—12.

NOES—Messrs. Curtis, Green, Heacock, Johnson, Kincaid, Lawrence, Lewis, McDougall, Morrill, Murch, Murphy, Perley, Roberts, Tweed—14.

So the resolution was lost.

Indefinite leave of absence was granted to Mr. Teegarden.

Mr. Conn gave notice that he would, at an early day, introduce a bill for an Act to authorize the President and Trustees of the City of San Diego to convey certain city lands to the United States.

Mr. Wadsworth introduced the following resolution :

Resolved, That the Engrossing Clerk of the Senate be authorized to appoint one or more assistants whenever, in the opinion of the Engrossing Committee, such assistant or assistants may be required; and that they receive the per diem allowed by law, to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Roberts introduced the following :

Resolved, That the Secretary of the Senate be and is hereby instructed to furnish the State Printer with the originals of the minutes of each day's Journals, and that the State Printer be required, and is hereby instructed, to print two hundred and forty copies of the same for the use of the Senate and Assembly on the same day on which said minutes shall be delivered to him, and shall furnish such printed copies to the Sergeants-at-Arms of the two houses every morning before the hour of meeting; *provided*, that no extra charge for composition shall be made by the State Printer.

Referred to the Committee on Printing.

Mr. Lewis gave notice that he would, at an early day, introduce a bill for an Act to prevent the immigration of Chinese and Mongolians into this State.

On motion of Mr. Conly, the two bills just introduced by himself and referred to the Military Committee were ordered printed.

GENERAL FILE.

Senate Bill No. 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Act supplemental thereto and amendatory thereof.

Read a third time and passed.

Senate Bill No. 13—An Act to exempt certain property from execution.

Read a third time and passed.

Substitute for Senate Bill No. 22—An Act to fix and determine the salary of the County Judge in and for the County of Santa Cruz.

Recommitted to the Santa Cruz delegation, with instructions to amend by striking out "eighteen hundred dollars" and inserting "fifteen hundred dollars."

Senate Bill No. 37—An Act to authorize Richard Abbey, administrator of the estate of R. H. Farquhar, deceased, to sell certain lands and real estate.

Read a third time and passed.

Senate Bill No. 57—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed and read a third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Johnson, Lewis and Ewer.

The vote was as follows:

AYES—Messrs. Belden, Conly, Conn, Curtis, Green, Hardy, Heacock, Kincaid, Lawrence, Lewis, McDougall, Mizner, Morrill, Murphy, Pearce, Perley, Tweed—17.

NOES—Messrs. Beach, Bradley, Ewer, Johnson, Murch, Roberts, Tubbs, Wadsworth, Wolcott—9.

So the bill was passed.

Senate Bill No. 58—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

The rules were suspended, the bill considered engrossed, read a third time and passed, and ordered immediately transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
January 4th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this fourth day of January, eighteen hundred and sixty-

eight, adopted Assembly Concurrent Resolution No. 19, relative to the appointment of a Joint Committee of the Senate and Assembly on the State Agricultural, Mining and Mechanic Arts College.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 19, above reported, was taken up and concurred in.

On motion of Mr. Hardy, there being no further business, at twelve o'clock and twenty-five minutes P. M. the Senate adjourned.

WILLIAM HOLDEN.
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.
Tuesday, January 7th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Indefinite leave of absence was granted to Messrs. Belden and Hunter.

REPORTS.

Mr. Wadsworth, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 57—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows:

By Mr. Ewer—An Act to authorize Joseph E. N. Lewis to float certain school land warrants, issued under an Act entitled an Act to dispose of the five hundred thousand acres of land granted this State by Act of

Congress passed April fourth, eighteen hundred and fifty-one, approved May third, eighteen hundred and fifty-two.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Green—An Act to define and settle the limits and boundaries of the County of Marin.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Mandeville—An Act amendatory of and supplemental to an Act entitled an Act to organize and regulate the Justices' Courts in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and referred to the San Francisco delegation.

By Mr. Conly—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union.

Read first and second times and referred to Judiciary Committee.

By Mr. Conly—An Act to fix the time for electing Representatives to Congress.

Read first and second times and referred to Committee on Elections.

RESOLUTIONS.

Mr. Heacock offered the following :

Resolved, That the Sergeant-at-Arms be instructed to furnish the reporters and correspondents of the daily press who have seats assigned them on the floor of the Senate, two copies each of all public printed documents that are distributed among members.

Adopted.

Mr. Mandeville introduced a concurrent resolution relative to meeting in Joint Assembly.

Adopted.

Mr. Lewis introduced a concurrent resolution relative to asking a change in the laws giving five years in which to appeal from the decisions of the United States Circuit Court to the Supreme Court, in cases involving title to Spanish or Mexican grants.

Referred to the Judiciary Committee.

Mr. Conly introduced a concurrent resolution relative to instructing our Senators and Representatives in Congress to urge the establishment of a mail line between Oroville and Laporte.

Adopted.

Mr. Conly introduced a concurrent resolution instructing our Senators and Representatives in Congress to urge the establishment of a daily mail line between Oroville, via Humbug Valley and Taylorsville, and Susanville, in the County of Lassen.

Adopted.

Mr. Murch introduced the following :

Resolved, That the Select Committee appointed to inquire into and report upon the disposition made of the furniture, etc., purchased for and used by the Senate and officers thereof during the last session

of the Legislature, is hereby authorized and empowered to send for persons and papers, and to examine witnesses under oath.

Adopted.

The President announced the appointment of the following committee :

ON AGRICULTURAL, MINING AND MECHANIC ARTS COLLEGE.

Messrs. Hager, Pearce, Morrill, Robinson and Heacock.

INTRODUCTION OF BILL.

The rules were suspended and Mr. Conn had leave to introduce a bill for an Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

The rules were suspended, bill considered engrossed, read a third time and passed, and ordered to be immediately transmitted to the Assembly.

GENERAL FILE.

Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to act as County Superintendent of Common Schools.

Ordered engrossed.

Senate Bill No. 24—An Act amendatory of an Act fixing the salary of the County Judge of Mariposa County, approved May thirteenth, eighteen hundred and sixty-one.

Indefinitely postponed.

Senate Bill No. 63—An Act to authorize the Board of Supervisors of Solano County to pay a certain claim.

Rules suspended, bill considered engrossed, read a third time and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 7th, 1868. }

To the Senate of the State of California :

I desire, with the leave of your honorable body, to withdraw the nomination of Captain Calvin E. Woodbury as Port Warden.

H. H. HAIGHT, Governor.

IN EXECUTIVE SESSION.

The Senate being in executive session, on motion of Mr. Hager, leave was granted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

MR. PRESIDENT : I am directed to inform your honorable body that the

Assembly on yesterday adopted Assembly Concurrent Resolution No. 20, relative to printing "Letter of the State Geologist on the progress of the Geological Survey."

Also, passed December twentieth, eighteen hundred and sixty-seven, Assembly Bill No. 37—An Act to legalize the location of the San Francisco and Alameda Railroad from Hayward's to Washington Corners, in the County of Alameda.

Also, passed December twentieth, eighteen hundred and sixty-seven, Assembly Bill No. 70—An Act for the relief of James H. Yates.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 70, above reported, was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 37, above reported, was read first and second times and placed on file.

The Senate concurred in Assembly Concurrent Resolution No. 20, above reported.

On motion of Mr. Mandeville, the rules were suspended and Senate Bill No. 59—An Act to fix the terms of the Probate Court in and for the County of Tuolumne—was taken up.

The rules were further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Wolcott the Senate took a recess until twelve o'clock.

REASSEMBLED.

The Senate reassembled at the appointed time.

President in the chair.

Roll called.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day concurred in Senate Concurrent Resolution No. 25, relative to meeting in Joint Assembly.

W. S. BYRNE,
Assistant Clerk.

Whereupon the Senate proceeded in a body to the Assembly Chamber.

IN JOINT ASSEMBLY.

In accordance with Senate Concurrent Resolution No. 25, the Senate and Assembly met in Joint Assembly for the purposes therein expressed.

The President of the Senate and Speaker of the Assembly presided.

The Secretary called the roll of the Senate and a quorum was present, as follows:

Senators Bradley, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Perley, Roberts, Rose, Saunders, Tubbs, Tweed, Wadsworth, Wolcott.

The Clerk called the roll of the Assembly, and a quorum was present, as follows:

Messrs. Ables, Angney, Ayer, Batchelder, Battelle, Bever, Biggs, Bird, Broderson, Buckbee, Caldwell, Canavan, Church, Clark, Cochran, Coggins, Comte, Connely, Crigler, Cureton, Davies, Days, Dornin, Downer, Dryer, Dwinelle, Ellis, Fairchild, Gildea, Giltner, Gregory, Green, Hayes, James, Jones, Kelley, Lee, Lupton, Mahon, Mardis, Martin, Mattingly, McElhany, Meagher, Mentzell, Middleton, Moore, Morrow, Newell, Newsom, Oliver, O'Malley, Ord, Papy, Pardee, Payne, Rector, Rollins, Russ, Scudder, Smith, Spencer, Spilman, Steele, Tully, Tuttle, Waldron, Wand, Warfield, Westmoreland, White, Willets, Wolleb and Mr. Speaker.

The Secretary of the Senate read the concurrent resolution convening the Joint Assembly.

On motion of Mr. Lewis, the reading of the minutes of the Joint Assembly which elected a United States Senator to succeed the Honorable John Conness was dispensed with, with the exception of the last day's proceedings.

That portion of the Journals of both houses containing the proceedings of the Joint Assembly, above referred to, were then read.

Mr. Pearce moved to amend that portion of the Senate Journal giving the result of the vote for United States Senator, by striking out "fifty-four," the number of votes recorded as being cast for Mr. Brown, and inserting "forty-five" in lieu thereof.

Carried.

On motion of Mr. Pearce, the vote directing the above amendments to the Senate Journal was reconsidered, and the Senate Journal was amended by striking out "one hundred and fourteen" as the total vote cast, and inserting "one hundred and fifteen;" and also by striking out "fifty-four," the number of votes recorded as being cast for Mr. Brown, and inserting in lieu thereof "forty-five."

Mr. Dwinelle moved to amend the Assembly Journal, on page one hundred and fifty-six, after the name of the members of the Assembly reported present, by adding: "The said Senators and members of Assembly, being a majority of all the members elected to both houses, being present and voting."

Mr. Lupton moved to amend the amendment by adding to the amendment the words, "And being also a majority of the Senate and of the House of Assembly."

Lost.

The amendment offered by Mr. Dwinelle was then adopted.

On motion of Mr. Dwinelle, the Journal was further amended as follows: After the words "Eugene Casserly," at the top of page one hundred and seventy-seven, Assembly Journal, insert, "having received a majority of all the votes cast, a majority of all the members elected to both houses being present and voting."

On motion of Mr. Curtis, the Journals of December twentieth, eighteen

hundred and sixty-seven, of the Joint Assembly, were then approved as amended.

On motion of Mr. Mandeville, at one o'clock p. m. the Joint Assembly adjourned.

IN SENATE.

At one o'clock and five minutes the Senate reassembled.

President in the chair.

Roll called.

Quorum present.

RESOLUTION.

Mr. Lawrence offered the following resolution :

Resolved, That the Senate adjourn until Thursday, January ninth, eighteen hundred and sixty-eight, out of respect to the memory of General Andrew Jackson, the hero of New Orleans.

On the adoption of the resolution the ayes and noes were demanded by Messrs. Lewis, Murch and Wadsworth.

The vote was as follows :

AYES—Messrs. Bradley, Conly, Conn, Curtis, Freeman, Green, Hager, Johnson, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Saunders, Shaw—19.

NOES—Messrs. Beach, Hardy, Murch, Perley, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—10.

The resolution passed at one o'clock and ten minutes.

So the Senate stood adjourned till Thursday, January ninth, at eleven o'clock a. m.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, January 9th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Mr. Mandeville presented the credentials of the election of the Honorable Charles Maclay, Senator elect from the County of Santa Clara, *vice* the Honorable W. J. Knox, deceased.

Mr. Maclay came forward, took the oath of office, administered by the President of the Senate, signed the roll of Senators, and assumed his seat as a Senator.

Prayer by the Chaplain.

Journal of Tuesday, January seventh, was read, amended and approved.

PETITIONS.

Petitions were presented as follows :

By Mr. Mandeville—Of property holders and residents of the City of Sonora for an Act to cure a defective charter election.

Referred to the Tuolumne delegation.

By Mr. Kincaid—Of John K. Hackett and Joshua Leavitt for a renewal of a franchise granted them in eighteen hundred and fifty-four, to construct a wharf at Pulgas Rancho, near San Francisquito Creek.

Referred to the Committee on Swamp and Overflowed Lands

By Mr. Curtis—Of the Board of Managers of the Sacramento Orphan Association, for a donation of five thousand dollars from the Legislature.

Referred to the Sacramento and San Francisco delegations.

By Mr. Hager—Of Joseph de Hara Denniston, Augustin Guerrero and Victoriano Guerrero, for authority to sell the interest of a deceased minor in certain real estate.

Referred to Judiciary Committee.

REPORTS.

Mr. Wadsworth, from the Committee on Engrossment, reported as follows :

MR. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed, Senate Bill No 9—An Act to authorize the Board of Supervisors of Solano County to pay a certain claim.

Also, Senate Bill No. 63—An Act to authorize the County Clerk of Mono County to act as County Superintendent of Common Schools.

Also, Senate Bill No. 59—An Act to fix the terms of the Probate Court in and for the County of Tuolumne.

WADSWORTH, Chairman.

Mr. Robinson, from the Committee on Education, reported as follows :

MR. PRESIDENT: The Committee on Education, to whom was referred Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six—have had the same under consideration and report the bill back with an amendment, and recommend the passage of the bill as amended.

ROBINSON, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER. }
January 9th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on Tuesday, January seventh, eighteen hundred and sixty-eight, concurred in Senate Concurrent Resolution No. 30, relative to ex-

tending an invitation to Professor J. D. Whitney, State Geologist, to address the members of the Legislature.

Also, on same day passed Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 30, above reported, was read first and second times and referred to the Santa Barbara delegation.

SPECIAL ORDER.

The Senate went into executive session for the consideration of the Governor's messages of December twelfth and fourteenth, eighteen hundred and sixty-seven, nominating Port Wardens for the Port of San Francisco, the special order of the day.

IN EXECUTIVE SESSION.

Mr. Mandeville moved a call of the Senate.

On dividing, the Senate stood sixteen in favor and sixteen against adopting the motion.

The President, in the exercise of his constitutional privilege, voted aye, and the motion for a call of the Senate prevailed.

The roll of the Senate being called, all of the Senators were present or absent on leave, except Mr. Murphy.

Mr. Murphy shortly after appeared at the bar of the Senate and was admitted.

On motion of Mr. Roberts further proceedings under the call were dispensed with.

Mr. Ewer moved to postpone the confirmation of R. W. Heath and Joseph Austin, as Port Wardens, until the fourth day of March next.

Mr. Mizner called for a division of the motion.

So ordered.

On the question of postponing the consideration of the nomination of Joseph Austin, the ayes and noes were demanded by Messrs. Lewis, Mandeville and Lawrence.

The vote was as follows :

AYES—Messrs Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—18.

NOES—Messrs. Conn, Freeman, Hager, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendergast, Rose, Saunders, Shaw—17.

So the consideration of the nomination of Joseph Austin was postponed.

The ayes and noes were again demanded by Messrs. Lewis, Mandeville and Lawrence, on postponing the consideration of the appointment of R. W. Heath.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Murch, Perley, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—17.

NOES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—19.

The Senate refused to postpone.

Mr. Curtis, in explanation of his declining to vote on the foregoing question, stated that he had paired with Mr. Belden, who was absent.

Mr. Mizner moved to make the further consideration of the nomination the special order for Thursday, the twenty-third day of January, instant.

The ayes and noes were demanded by Messrs. Lewis, Mandeville and Lawrence.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Perley, Pratt, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—16.

NOES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Murphy, Pearce, Pendegast, Roberts, Rose, Saunders, Shaw—20.

So the motion was lost.

On the question, Shall the Senate advise and consent to the appointment of R. W. Heath as Port Warden of the Port of San Francisco? the roll was called and the vote was as follows :

AYES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—19.

NOES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Murch, Perley, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—17.

So the appointment was confirmed.

Mr. Mandeville moved that the Senate reconsider the vote just taken.

Mr. Lewis moved to indefinitely postpone the motion to reconsider.

Mr. Roberts raised a point of order, that a motion to reconsider a vote making a final disposition of the subject matter acted upon was out of order.

The President ruled the point of order well taken.

Mr. Roberts gave notice of a motion to reconsider the vote whereby the Senate postponed the consideration of the appointment of Joseph Austin.

On the question, Shall the Senate advise and consent to the appointment of Charles Wilson as Port Warden of the Port of San Francisco? the roll of the Senate was called, with the following result :

AYES—Messrs. Beach, Chappell, Conly, Conn, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce,

Pendegast, Perley, Pratt, Robinson, Rose, Saunders, Shaw, Tubbs, Tweed, Wadsworth—33.

NOES—Messrs. Bradley, Wolcott—2.

GENERAL FILE.

Assembly Bill No. 37—An Act to legalize the location of the San Francisco and Alameda Railroad from Hayward's to Washington Corners, in the County of Alameda.

Mr. Pearce moved to refer the bill to the Judiciary Committee.

Lost.

The bill was again ordered on file.

INTRODUCTION OF BILLS.

By leave, bills were introduced without previous notice, as follows:

By Mr. Beach—An Act for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

Read first and second times and referred to the delegations from Yuba and Sutter.

Also, an Act to provide for the liquidation and payment of the indebtedness of Yuba County and for other purposes.

Read first and second times and referred to the delegations from Yuba and Sutter.

By Mr. Green—An Act to authorize persons against whom judgment has been rendered upon a conviction for felony, to testify as witnesses in certain cases.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to Judiciary Committee.

By Mr. Pendegast—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Roads and Highways.

Also, an Act to prevent the destruction of fish in the waters of Napa River.

Read first and second times and referred to the Napa delegation.

By Mr. McDougall—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Monterey, approved April second, eighteen hundred and sixty-two.

Read first and second times and placed on file.

By Mr. Murphy—An Act concerning taxes in the County of San Luis Obispo.

Read first and second times and referred to Finance Committee.

Also, an Act to fix the salary of the District Attorney of the County of Santa Barbara.

Read first and second times and referred to the Judiciary Committee.

By Mr. Kincaid—An Act to extend a certain franchise heretofore granted to John K. Hackett and Charles D. Judah, to use and continue a wharf and to charge and collect wharfage.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Lewis—An Act authorizing the County Judge of Tehama County to distribute town lots held by him in trust for the town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Murch—An Act concerning county officers.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act for the relief of certain property holders in San Francisco.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, deceased, to sell certain property at private sale.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pearce—An Act to amend an Act to amend an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Ewer—An Act to levy a tax upon the taxable property of the Oroville School District, in Butte County, to pay for the school-house recently erected therein.

Read first and second times and placed on file.

By Mr. Conly—An Act to provide for the payment of the debt of Lassen County.

Read first and second times and placed on file.

MOTIONS AND RESOLUTIONS.

Mr. Pearce offered a joint resolution expressing the irreconcilable opposition of the people of the State of California to conferring the elective franchise upon negroes and Chinese.

It was moved to insert the words "or Territory" after the word "State" in the resolution.

The amendment was accepted.

Mr. Murch moved to refer the resolution to the Committee on Federal Relations.

The ayes and noes were demanded by Messrs. Murch, Bradley and Chappell.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—17.

NOES—Messrs. Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—17.

There being a tie vote, the President, in the exercise of his constitutional privilege, voted in the negative, and so the motion to refer was lost.

Mr. Chappell moved to refer the resolution to the Judiciary Committee.

The ayes and noes were demanded by Messrs. Murch, Pendegast and Murphy.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—18.

NOES—Messrs. Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—17.

So the motion was carried.

The rules were suspended for the introduction by Mr. Shaw of a bill for an Act providing for the construction of a railroad in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Mr. Rose had leave to introduce a concurrent resolution of instruction to the Joint Committee on the Agricultural, Mining and Mechanic Arts College, to examine certain books in the State Land Office for the purpose of ascertaining the number of acres sold of the seventy-two sections of land granted to this State for seminary purposes, etc.

Adopted.

The rules were again suspended for a verbal report by Mr. Wolcott, from the Tuolumne and Mono delegations, recommending the passage of Senate Bill No. 50, concerning a turnpike road near Walker River.

There being no further business, on motion of Mr. Lewis, at twelve o'clock and thirty-seven minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Friday, January 10th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

Mr. Mandeville presented a petition of the taxpayers of Tuolumne County, together with an Act to fix the salaries of certain officers of Tuolumne.

Read and referred to the Tuolumne delegation.

Mr. Roberts presented a petition of citizens of Nevada County praying for a reduction of charges for freight and fare on the Central Pacific Railroad.

Laid on the table.

Mr. Saunders presented a petition and statement from the Board of Trustees of the Home for the Care of the Inebriate, at San Francisco, showing the financial and general condition of that institution.

Read and ordered on general file.

REPORTS.

Mr. Murch, from the Committee on Enrolment, reported as follows :

MR. PRESIDENT : The Committee on Enrolment have examined and found correctly enrolled Senate Bill No. 58—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine; and this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Roberts, Chairman of the Committee on Printing, made the following report :

MR. PRESIDENT : The Committee on Printing, to whom was referred Assembly Concurrent Resolution No. 14, relative to printing the report of the Engineer of the Sacramento Valley Irrigation and Navigation Canal, would report the same back with a substitute and recommend the adoption of the substitute.

Your Committee would further represent that the report of the Trustees of the State Library having been heretofore ordered printed by the Senate and Assembly, no action by the Senate is required at this time.

ROBERTS,
LAWRENCE,
TWEED,
HARDY,
SHAW.

Mr. Tubbs, from the Finance Committee, reported as follows :

MR. PRESIDENT : The Finance Committee, to whom was referred Senate Bill No. 32—An Act to fix the per diem and mileage of members of the Legislature—report the same back with an amendment, and recommend its passage as amended.

TUBBS, Chairman.

Mr. Conn, from the San Diego delegation, reported as follows :

MR. PRESIDENT : Your Committee, to whom was referred Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf

at Horton's addition to New San Diego, in the County of San Diego—have had the same under consideration, with the amendments proposed by the Committee on Commerce and Navigation, and report the bill back and recommend its passage.

CONN, for Delegation.

Mr. Lawrence presented the following report :

MR. PRESIDENT : Your Committee to whom was referred the memorial of J. M. Hutchings and J. C. Lamon, residents of Yosemite Valley, and the accompanying petition of the people of Mariposa County to the Legislature of California, have had the same under consideration and beg leave to report as follows :

First—The land known as the Yosemite Valley was public land of the United States up to the thirtieth day of June, A. D. eighteen hundred and sixty-four, and on that day the Federal Government by an Act of Congress donated the same to the State of California on condition that it should never be alienated except by lease for a term not exceeding ten years.

Second—That long prior to the said thirtieth day of June, eighteen hundred and sixty-four, the said memorialists or those under whom they claim, were located under the possessory law of the State of California and had fully complied with the provisions of said law. That they have expended large amounts of money in improving said property by building houses, bridges, etc., and through these various improvements and expenditures have become fully *bona fide* owners under the pre-emption laws of the United States and the State of California.

Third—In consideration of the provisions, and from the facts demonstrated and shown to our full satisfaction, that the said parties have acted in good faith and with the full intent and purpose of carrying out their intention of improving and settling the said lands, we recommend that they be each allowed to claim one hundred and sixty acres of land in accordance with the terms and conditions of the bill herewith presented.

J. H. LAWRENCE, Chairman.

Mr. McDougall, from the Santa Cruz delegation, presented the following report :

MR. PRESIDENT : The Santa Cruz delegation, to whom was referred substitute for Senate Bill No. 22—An Act to fix and determine the salary of the County Judge in and for the County of Santa Cruz—have had the same under consideration and beg leave to report it back with an amendment to section one of the bill and recommend the adoption of the bill as amended.

Section one of said Act is hereby amended so as to read as follows :

Section 1. The County Judge of the County of Santa Cruz shall receive, and his salary is hereby fixed at, the sum of fifteen hundred dollars per annum.

McDOUGALL, for Delegation.

Mr. Pendegast, from the Napa delegation, reported as follows :

MR. PRESIDENT : The Napa delegation, having had Senate Bill No. 81—An Act to prevent the destruction of fish in the waters of Napa River—

under consideration, report the same back and respectfully recommend its passage.

PENDEGAST, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 10th, 1868. }

To the Senate of California:

I hereby nominate Captain H. J. O'Reilly, Port Warden for the Port of San Francisco—removal and appointment to take effect March fourth, eighteen hundred and sixty-eight; and respectfully request your honorable body to confirm the same.

H. H. HAIGHT, Governor.

Mr. Ewer moved to make the consideration of the above message the special order for Thursday, January sixteenth, at half-past eleven o'clock A. M.

The ayes and noes were demanded by Messrs. Heacock, Ewer and Bradley.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth—15.

NOES—Messrs. Conly, Conn, Freeman, Hager, Hardy, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—19.

So the motion was lost.

On the question of the Senate's advising and consenting to the appointment of Captain H. J. O'Reilly, Port Warden for the Port of San Francisco, *vice* George J. Porter, removed, the roll was called, with the following result:

AYES—Messrs. Conly, Conn, Freeman, Hager, Hardy, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Murphy, Pearce, Pendegast, Perley, Rose, Saunders, Shaw—21.

NOES—Messrs. Bradley, Chappell, Ewer, Green, Murch, Roberts, Robinson, Tweed, Wolcott—9.

So the nomination was confirmed.

Mr. Shaw moved to reconsider the vote whereby the Senate on yesterday postponed action on the nomination of Joseph Austin, as Port Warden of the Port of San Francisco, until March fourth, eighteen hundred and sixty-eight.

Mr. Roberts raised the point of order, that it was in violation of Rule 34 of the Standing Rules of the Senate.

The President decided that a motion to reconsider could only be made by a Senator voting with the majority.

Mr. Lewis appealed.

On sustaining the decision of the President, the ayes and noes were demanded by Messrs. Lewis, Johnson and Murphy.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Kincaid, Mandeville, McDougall, Mizner, Murch, Pendegast, Perley, Pratt, Roberts, Robinson, Tubbs, Tweed, Wolcott—23.

NOES—Messrs. Hager, Johnson, Lawrence, Lewis, Maclay, Pearce, Saunders, Shaw—8.

So the decision of the President was sustained.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
January 9th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the seventh instant passed Senate Bill No. 58—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Under a suspension of the rules, Senate Bill No. 58, above reported, was taken up and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
January 9th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the seventh instant passed Assembly Bill No. 118 (substitute for Assembly Bill No. 98)—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-second, eighteen hundred and sixty-three.

Also, Assembly Bill No. 76—An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.

Also, Assembly Bill No. 75—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred sixty-six.

Also, Assembly Bill No. 99—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to

her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two.

Also, Assembly Bill No. 113—An Act to amend section seven of an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, approved March third, eighteen hundred and sixty-six.

Also, Senate Bill No. 27—An Act to amend an Act to provide for the formation of Chambers of Commerce and Boards of Trade, Mechanic Institutes and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six.

Also, concurred in Senate Concurrent Resolution No. 27, relative to instructing our Senators and Representatives in Congress to urge the establishment of a mail line between Oroville and Laporte.

Also, Senate Concurrent Resolution No. 28, relative to instructing our Senators and Representatives in Congress to urge the establishment of a daily mail line between Oroville, in Humbug Valley, and Taylorsville, to Susanville, in the County of Lassen.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 76, above reported, was read first and second times and referred to the Amador delegation.

Assembly Bill No. 99, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 75, above reported, was read first and second times and referred to the Amador delegation.

Assembly Bill No. 113, above reported, was read first and second times and referred to the Amador delegation.

Assembly Bill No. 118 (substitute for Assembly Bill No. 98), above reported, was read first and second times.

The rules were suspended, and Assembly Bill No. 118 was read a third time and passed.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows:

By Mr. Hager—An Act to amend an Act entitled an Act to authorize the incorporating of canal companies and the construction of canals.

Read first and second times and referred to the Butte delegation.

By Mr. Saunders—An Act to provide for the disposition of the public lands of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Kincaid—An Act to authorize J. J. Felt and others to construct and maintain a turnpike road in San Mateo, Santa Clara and Santa Cruz Counties.

Read first and second times and referred to the Committee on Corporations.

On motion of Mr. Hager, the bill introduced by him on yesterday, entitled an Act for the relief of certain property holders of San Francisco, and referred to the Judiciary Committee, was taken up and referred to the San Francisco delegation.

MOTIONS AND RESOLUTIONS.

Mr. Shaw introduced a concurrent resolution, relative to the appointment of a Joint Committee to prepare and report a bill amending and codifying the laws of this State.

On motion of Mr. Robinson, the resolution was made the special order for Monday next, January thirteenth.

Mr. Curtis introduced a concurrent resolution authorizing the Joint Committee appointed to inquire into and investigate the proceedings of the State Harbor Commissioners to employ a Sergeant-at-Arms and Clerk.

Adopted.

Mr. Mandeville gave notice that he would at an early day introduce an Act to reduce the salaries of the officers of Tuolumne County.

Mr. Ewer introduced the following resolution :

Resolved, That, as the sense of this Senate, we are opposed to an irredeemable paper currency any longer than necessity compels us to use it, and that we indorse the views of the Secretary of the Treasury of the United States on the subject of the national currency, and believe, with him, that we should return to a specie basis as soon as possible.

Mr. Johnson offered the following amendment :

Amend by striking out all after the word "currency," in the third line. On the adoption of the amendment the ayes and noes were demanded by Messrs. Lewis, Murphy and Johnson.

The vote was as follows :

AYES—Messrs. Conn, Freeman, Hager, Johnson, Lawrence, Lewis, Mandeville, McDougall, Murphy, Pearce, Pendegast, Pratt, Rose, Saunders, Shaw—15.

NOES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Murch, Perley, Roberts, Robinson, Tubbs, Tweed, Walcott—15.

There being a tie vote, the President, in the exercise of his constitutional privilege, voted in the affirmative, and the amendment was adopted.

On the adoption of the resolution as amended the ayes and noes were demanded by Messrs. Lewis, Pearce and Johnson.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conn, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Tweed, Walcott—30.

No—Mr. Conly—1.

So the resolution was adopted.

Indefinite leave of absence was granted to Messrs. Shaw and Morrill.

Mr. Lawrence introduced the following resolution :

Resolved, That the Judiciary Committee be instructed to report back the resolutions introduced by Mr. Rose, of Amador County, on Thursday, January ninth, and that they be acted upon by the Senate immediately.

Mr. Roberts moved a call of the Senate.

Mr. Mandeville moved the previous question.

The ayes and noes were demanded by Messrs. Mandeville, Shaw and Murphy.

The vote was as follows :

AYES—Messrs. Freeman, Hager, Hunter, Lawrence, Lewis, Mandeville, McDougall, Murphy, Pendegast, Rose, Saunders, Shaw—12.

NOES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Johnson, Murch, Pearce, Perley, Pratt, Roberts, Robinson, Tubbs, Tweed, Wolcott—18.

So the Senate refused to order a call.

On motion of Mr. Chappell, at one o'clock and fifteen minutes the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, January 11th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. O. P. Fitzgerald, acting for the Chaplain.

Journal of yesterday read and approved.

Messrs. Lewis and Johnson were granted unanimous consent to have their names recorded as having voted to sustain the decision of the President, on an appeal taken by Mr. Lewis on yesterday.

Indefinite leave of absence was granted to Messrs. Conly, Curtis and Lewis; to Messrs. Pratt, Murphy and Pendegast, until Tuesday; to Messrs. Green, Chappell, Wolcott, Ewer and Saunders until January sixteenth, eighteen hundred and sixty-eight.

REPORTS.

Mr. Pearce, from the Committee on Roads and Highways, presented the following report :

Mr. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 80, have had the same under consideration and hereby recommend its passage.

PEARCE, for Committee.

Mr. Pendegast verbally reported back Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others to con-

struct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County—and asked that the same be referred to the Judiciary Committee.

So ordered.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
January 10th, 1868. }

MR. PRESIDENT: I am directed by the Assembly to inform the Senate that the Assembly on this day concurred in Senate Concurrent Resolution No. 30, relative to instructing the Joint Committee on the Agricultural, Mining and Mechanic Arts College to examine certain books in the Land Office.

Also, under a suspension of the rules, passed Assembly Bill No. 5—An Act to amend an Act to create the County of Inyo, and to define its boundaries and to provide for its organization, approved March twelfth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County and for other purposes.

Also, Assembly Bill No. 43—An Act to authorize the Board of Supervisors of Kern County to levy a special tax for building purposes.

Also, Assembly Bill No. 81—An Act for the relief of Drury P. Baldwin.

Also, concurred in Senate Concurrent Resolution No. 31, relative to authorizing the Joint Committee of the Senate and Assembly, appointed to inquire into and investigate the proceedings of the State Harbor Commissioners, to employ a Sergeant-at-Arms, Clerk and such other assistance as they may deem proper.

Also, Assembly Concurrent Resolution No. 21, relative to instructing the Committee on Public Buildings to examine into the condition and progress of the Capitol building now in progress of erection, the manner in which materials have been procured and business done in connection therewith.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 5, above reported, was read first and second times and referred to the Tuolumne, Inyo and Mono delegation.

Assembly Bill No. 6, above reported, was read first and second times and referred to the Tuolumne, Inyo and Mono delegation.

Assembly Bill No. 43, above reported, was read first and second times and referred to the Tuolumne, Inyo and Mono delegation.

Assembly Bill No. 81, above reported, was read first and second times, rules suspended, read a third time and passed.

Assembly Concurrent Resolution No. 21, above reported, was, on motion of Mr. Johnson, made the special order for Wednesday, January fifteenth, eighteen hundred and sixty-eight.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows :

By Mr. Hager—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-seven.

Read first and second times and referred to Judiciary Committee.

Also, an Act supplemental to an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the San Francisco delegation.

Also, an Act for the relief of Charlotte Satterlee, as executrix of the last will and testament of William R. Satterlee, deceased, Giles S. Letcher, Paul Newman and Octavius Bell.

Read first and second times and referred to the San Francisco delegation.

By Mr. Lawrence—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

Read first and second times.

Mr. Shaw moved that the report, memorial, grant and bill be ordered printed.

Carried.

On motion of Mr. Mizner the bill was placed at the top of the file for Tuesday, January fourteenth.

By Mr. Chappell—An Act for the relief of Joseph Craig, County Treasurer of Trinity County.

Read first and second times and referred to the Finance Committee.

By Mr. Murphy—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo

Read first and second times and referred to the Committee on Commerce and Navigation.

RESOLUTIONS.

Mr. Pendegast introduced the following :

Resolved, That the Committee on Agriculture be requested to inquire into and report to the Senate at an early day, the probable amount of money which will be required to pay the premiums offered under the provisions of an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six ; and also, to report what legislation, if any, is necessary in addition to or in amendment of said Act.

Adopted.

Mr. Tweed introduced the following :

Resolved, That when the Senate adjourn this day, it adjourn until Tuesday next at one o'clock P. M.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Pendegast, Wadsworth and Murch.

The vote was as follows :

AYES—Messrs. Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Lewis, Murphy, Pendegast, Saunders, Tubbs, Tweed, Wolcott—16.

NOES—Messrs. Conly, Hunter, Johnson, Kincaid, Lawrence, Mandeville, McDougall, Mizner, Murch, Pearce, Perley, Roberts, Robinson, Rose, Wadsworth—15.

So the resolution was adopted.

Mr. Rose offered the following :

WHEREAS, The people of the State of California having, in common with the people of the other States, and without the distinction of party, declared their unalterable devotion to the Federal Union and their conviction that the late war extinguished and settled forever all claims to the right of secession ; therefore,

Resolved by the Senate of the State of California, the Assembly concurring, 'That there being no difference of opinion between the people of California concerning the right of States to secede from the Union, any discussion of that subject by this Legislature is wholly unnecessary and improper.

On motion of Mr. Pearce the resolution was referred to the Committee on Federal Relations.

Mr. Murch introduced a resolution to confirm the amendment to the Constitution of the United States.

Mr. Hager introduced the following :

Resolved by the Senate, the Assembly concurring, That the Joint Committee on Agricultural College and State University have leave of absence until Tuesday next, to visit the grounds donated and proposed to be donated to the State for college purposes, by the Trustees of the College of California.

Adopted.

NOTICE.

Notice of the introduction of a bill was given, as follows :

By Mr. McDougall—An Act authorizing the construction of a wharf in the Bay of Monterey.

REPORT.

The rules were suspended for Mr. Murphy to make a verbal report recommending the passage of Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon.

GENERAL FILE.

Assembly Bill No. 37—An Act to legalize the location of the San Francisco and Alameda Railroad from Hayward's to Washington Corners, in the County of Alameda.

Read a third time and passed.

Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to Act as County Superintendent of Common Schools.

Read a third time and passed.

Senate Bill No 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Returned to the file.

Senate Bill No. 82—An Act to repeal an Act entitled an Act concerning roads and highways.

Mr. Johnson moved to amend by adding the following to section one.

"All laws and parts of laws repealed by the Act which this Act repeals are hereby re-enacted, revived and declared to be in force in the County of Monterey."

Lost.

The bill was referred to the Committee on Roads and Highways.

Senate Bill No 91—An Act to levy a tax on the taxable property of the Oroville School District, in Butte County, to pay for the school-house recently erected therein.

Referred to the Judiciary Committee.

Petition from the Board of Trustees of the Home for the Care of the Inebriate, at San Francisco.

Referred to the Finance Committee.

Senate Bill No. 92—An Act to provide for the payment of the indebtedness of Lassen County.

Returned to the file.

Senate Bill No. 50—An Act supplementary to an Act entitled an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono road, near West Walker River, to a point in Antelope Valley, and the right to collect toll for travel thereon, approved February ninth, eighteen hundred and sixty-six.

The rules were suspended, bill considered engrossed, read a third time and passed.

Substitute for Assembly Bill No 12—An Act making appropriation for the seventeenth session of the Legislature.

The substitute was adopted.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 81—An Act to prevent the destruction of fish in Napa River.

Ordered engrossed.

Substitute for Assembly Concurrent Resolution No. 14, providing for printing nineteen hundred and twenty copies of the report of the engineer of the Sacramento Valley Canal.

The substitute was adopted and resolution concurred in.

Substitute for Senate Bill No. 22—An Act to determine and fix the salary of County Judge in and for the County of Santa Cruz.

Amendments adopted, and bill read a third time and passed.

Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf at Horton's addition, in New San Diego, in the County of San Diego.

The amendments reported by the Committee were approved.

Mr. Pearce moved to amend by striking out "thirty" and inserting "twenty."

Mr. Hager moved to adjourn.

Lost.

Mr. Robinson moved to adjourn.

The Senate, on dividing, stood eleven in favor of adjournment and eleven opposed to adjournment.

The President, in the discharge of his constitutional privilege, voted in the negative. So the motion to adjourn was lost.

On adopting the amendment offered by Mr. Pearce, Messrs. Pearce, Johnson and Mandeville demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Banning, Hager, Heacock, Johnson, Murch, Pearce, Perley, Roberts, Robinson, Saunders, Tubbs, Tweed, Wadsworth—13.

NOES—Messrs. Bradley, Chappell, Freeman, Green, Hunter, Lawrence, Mandeville, Mizner, Pendegast, Rose—10.

So the amendment was adopted.

On ordering the bill engrossed, Messrs. Hager, Johnson and Pearce demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Freeman, Hunter, Johnson, Lawrence, Mandeville, Mizner, Pendegast, Perley, Roberts, Rose, Saunders, Tweed, Wadsworth—16.

NOES—Messrs. Green, Hager, Murch, Pearce—4.

The President announced that there was not a quorum voting.

Pending further action, at eleven o'clock and ten minutes, on motion of Mr. Hager, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 14th, 1868. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Shaw was granted leave of absence for one day.

REPORTS.

Mr. Murch, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 27—An Act to amend an Act en-

titled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six; and this day, at eleven o'clock and thirty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 50—An Act supplemental to an Act entitled an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono road, near West Walker River, to a point in the Antelope Valley, and the right to collect tolls for travel thereon, approved February ninth, eighteen hundred and sixty-six.

Also, Senate Bill No. 81—An Act to prevent the destruction of fish in the waters of Napa River.

WADSWORTH, Chairman.

Mr. Beach presented the following report:

MR. PRESIDENT: The Yuba and Sutter delegations, to whom was referred Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River, and roads connecting the same with the highlands;

Also, Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes;

Also, Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes;

Have had the same under consideration, report the same back, and recommend their passage.

BEACH,
TEEGARDEN.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 11th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 58—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

H. H. HAIGHT, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER. }
January 14th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Concurrent Resolution No. 33, relative to granting leave of absence to Joint Committee on Agricultural College and State University.

W. S. BYRNE,
Assistant Clerk.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roberts—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, passed April twenty-fifth, eighteen hundred and sixty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tweed—An Act to amend an Act entitled an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject.

Read first and second times and referred to Committee on Elections.

Also, An Act to amend an Act entitled an Act to amend an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Elections.

By Mr. Freeman—An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and placed on file.

By Mr. Rose—An Act to limit the hours of labor.

Read first and second times and placed on file, and ordered printed.

By Mr. Teegarden—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

Read first and second times and referred to the Yuba delegation.

By Mr. Lawrence—An Act to repeal an Act relating to criminal prosecutions.

Read first and second times and placed on file.

Also, an Act to repeal an Act to authorize the husband and wife to become witnesses in criminal cases.

Read first and second times and placed on file.

Also, an Act concerning hogs found running at large in the County of Mariposa.

Read first and second times and placed on file.

By Mr. McDougall—An Act authorizing the construction of a wharf in the Bay of Monterey.

Read first and second times and referred to Committee on Commerce and Navigation.

By Mr. Perley—An Act to appropriate money to pay a certain claim.

Read first and second times and referred to the Committee on Claims.

By Mr. Roberts—An Act to punish fruit thieves and for the protection of fruit, ornamental trees, shrubbery and vegetable products.

Read first and second times and referred to the Judiciary Committee.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Mr. Rose offered a proposed amendment to Article eleven of section thirteen, of the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

MOTIONS AND RESOLUTIONS.

Mr. Roberts offered the following:

Resolved, That the Copying Clerks of the Senate be and they are hereby ordered to make and furnish to the State Printer, as soon as practicable, the copy of the Journal of the Senate, commencing with the first day of the session and continuing the same as speedily as possible until the whole Journal is completed.

Adopted.

Mr. Murch offered the following:

Resolved, That the Select Committee appointed to inquire what disposition has been made of the furniture, etc., used by the Senate and its officers at the last session, is hereby allowed to appoint a clerk, who shall receive the per diem fixed by law.

Mr. Mandeville offered to amend, by inserting after the word "clerk," in the third line, "whose service shall not extend beyond the period of ten days."

On adopting the amendment the ayes and noes were demanded by Messrs. Rose, Johnson and Lawrence.

The vote was as follows:

AYES—Messrs. Freeman, Hardy, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Rose—13.
NOES—Messrs. Beach, Bradley, Hunter, Murch, Perley, Roberts, Teegarden, Tubbs, Tweed, Wadsworth—10.

So the amendment was adopted

On adopting the resolution as amended, the ayes and noes were demanded by Messrs. Pendegast, Perley and Mandeville.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Freeman, Hardy, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mizner, Morrill, Murphy, Perley, Roberts, Rose, Teegarden, Tubbs, Tweed, Wadsworth—19.

NOES—Messrs. Mandeville, McDougall, Pendegast—3.

So the resolution as amended was adopted.

Mr. Roberts moved that the usual number of copies of a bill for an Act to limit the hours of labor, introduced by Mr. Rose, be printed.

So ordered.

Mr. Tweed moved that Senate Concurrent Resolution No. 24 and Sen-

ate Concurrent Resolution No. 32 be made the special order for Wednesday, January fifteenth, at half past one o'clock P. M.

Carried.

Mr. Roberts offered an amendment to Rule number eighteen of the Standing Rules of the Senate.

Laid over one day.

GENERAL FILE.

Senate Bill No. 100—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

A substitute was adopted.

Mr. Johnson moved to amend section one by adding thereto, "And is to take effect and be in force from and after its ratification by Congress."

Lost.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Johnson, Murphy and Bradley.

The vote was as follows:

AYES—Messrs. Beach, Freeman, Hunter, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Rose, Teegarden, Tubbs, Tweed, Wadsworth—19.

NOES—Messrs. Bradley, Hardy, Johnson, Roberts—4.

So the bill was ordered engrossed.

The memorial was ordered recommitted to the special committee on the subject of the proposed grant made by the bill above ordered engrossed.

Senate Bill No. 41 was ordered placed on top of file for Wednesday.

Senate Bill No. 32 was ordered to top of file for Friday next.

Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon.

Read third time and passed.

Senate Bill No. 20 was ordered placed second on file for Wednesday.

Senate Bill No. 92 was ordered to top of file for Monday next.

Senate Bill No. 80 was ordered to top of file for Friday next.

On motion of Mr. Tweed, the reference of two bills introduced by him, to the Committee on Elections, was reconsidered, and the bills again referred to the Judiciary Committee.

Mr. Murphy moved to adjourn.

Lost.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
January 14th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on yesterday, January thirteenth, eighteen hundred and sixty-eight, passed Assembly Bill No. 74—An Act to legalize the acts of the Board of Supervisors of Amador County, while sitting as a Board of Equalization for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Also, same day, passed Senate Bill No. 63—An Act to authorize the Board of Supervisors of Solano County, to pay a certain claim.

Also, same day, passed Senate Bill No. 59—An Act to fix the terms of the Probate Court in and for the County of Tuolumne.

Also, same day, passed Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Also, same day, passed Senate Bill No. 57—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Also, passed Senate Bill No. 70—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Also, passed Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, passed Assembly Bill No. 29—An Act in relation to the indigent sick in the County of Humboldt.

Also, under suspension of the rules, passed, as amended, Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's House, in Mendocino County, and collect tolls for travel thereon.

Also, under suspension of the rules, passed Assembly Bill No. 61—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same.

Also, under suspension of the rules, passed, as amended, Assembly Bill No. 160—An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of road moneys of said county.

Also, same day, under suspension of the rules, passed Assembly Bill No. 103—An Act authorizing the construction of a wharf at New San Diego, in San Diego County.

Also, Assembly Bill No. 138—An Act to amend an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 60—An Act to restrict the herding of sheep and goats in the County of San Diego.

Also, Assembly Bill No. 110—An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

Also, Assembly Bill No. 31—An Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County.

Also, Senate Concurrent Resolution No. 12, relative to the construction of a breakwater in the Harbor of Wilmington.

Also, Assembly Bill No. 87—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 87, above reported, was read first and second times and referred to Committee on Commerce and Navigation.

Assembly Bill No. 103, above reported, was read first and second times and referred to Committee on Commerce and Navigation.

Assembly Bill No. 31, above reported, was read first and second times and referred to Nevada delegation.

Assembly Bill No. 110 above reported was read first and second times and referred to Committee on Claims.

Assembly Bill No. 60, above reported, was read first and second times and referred to Committee on Agriculture.

Assembly Bill No. 138, above reported, was read first and second times and referred to El Dorado delegation.

Assembly Bill No. 100, above reported, was read first and second times and referred to the Humboldt delegation.

Assembly Bill No. 29, above reported, was read first and second times and referred to the Humboldt delegation.

Assembly Bill No. 61, above reported, was read first and second times and referred to San Joaquin delegation.

Assembly Bill No. 33, above reported, was read first and second times and referred to Sonoma and Mendocino delegations.

Assembly Bill No. 72, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 50, above reported, was read first and second times and referred to Finance Committee.

Assembly Bill No. 74, above reported, was read first and second times and referred to the Amador delegation.

The Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 12, above reported.

There being no further business, on motion of Mr. Maclay, at two o'clock and forty-five minutes p. m., the Senate adjourned.

L. B. MIZNER,
President pro tem. of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 15th, 1868. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS.

Mr. Lawrence presented the following report :

MR. PRESIDENT : Your Committee to whom was referred the memorial to Congress on the subject of claims of J. M. Hutchings and J. C. Lamon, respectfully report the same amended so as to conform to the Act passed by the Senate on January fourteenth, eighteen hundred and sixty-eight, as per copy of memorial herewith submitted, and ask that it be laid on the table.

LAWRENCE, Chairman.

Mr. Teegarden, from the Yuba delegation, reported as follows :

MR. PRESIDENT : The Yuba delegation, to whom was referred Senate Bill No. 108, have had the same under consideration and report it back and recommend its passage.

TEEGARDEN, for Delegation.

Mr. Murch, from the Humboldt delegation, reported as follows :

MR. PRESIDENT : The Humboldt delegation, to whom was referred Assembly Bill No. 100—An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursements of the moneys of said county—have had the same under consideration and report it back and recommend its passage.

MURCH, for Delegation.

Mr. Hager verbally reported and recommended the passage of Senate Bill No. 98.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

• ASSEMBLY CHAMBER,
January 15th, 1868. }

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly on yesterday, January fourteenth, eighteen hundred and sixty-three, passed Senate Bill No. 3—An Act to repeal an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Act supplemental thereto and amendatory thereof.

Also, Assembly Bill No. 48—An Act to grant the right to John W. Smith or his assigns to maintain a bridge across Trinity River on the wagon road from Hayfork Valley to Weaverville, in Trinity County.

Also, Assembly Bill No. 119 (substitute for Assembly Bill No. 97)—An Act to repeal an Act entitled an Act concerning assessment rolls and returns to be made of property exempt from taxation, and also an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the Revenue Acts of this State.

Also, on January thirteenth, adopted Assembly Joint Resolution No.

7—Memorial concerning lands to be granted to certain counties therein named for the purpose of constructing roads.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 48, above reported, was read first and second times and referred to the Shasta and Trinity delegations.

Assembly Bill No. 119, above reported, was read first and second times and referred to the Finance Committee.

Assembly Joint Resolution No. 7, above reported, was referred to the Committee on Roads and Highways.

Assembly Concurrent Resolution No. 14 was concurred in.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conn—An Act to amend an Act entitled an Act to fund the indebtedness of Los Angeles now existing in the shape of county warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and provide for the payment of the same.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Hager—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same.

Read first and second times and referred to Judiciary Committee.

By Mr. Pearce—An Act to amend section seven of an Act regulating marriages.

Read first and second times and referred to Judiciary Committee.

By Mr. Maclay—An Act to remove fences when erected upon the lands of others by mistake.

Read first and second times and referred to the Judiciary Committee.

By Mr. Shaw—Act to regulate the vending of liquors at retail.

Read first and second times and referred to Finance Committee, and ordered printed.

Mr. Murch had leave to introduce a concurrent resolution providing for a clerical correction in Senate Bill No. 70.

Resolution adopted and ordered transmitted immediately to the Assembly.

FIRST SPECIAL ORDER.

Senate Concurrent Resolution No. 32, appointing a joint committee of Senate and Assembly to prepare and report a bill amending and codifying the laws of this State.

The resolution was amended and adopted.

SECOND SPECIAL ORDER.

Senate Concurrent Resolution No. 24, providing for the appointment of a joint committee to compile and arrange the laws of the State.

The resolution was amended and adopted.

FURTHER INTRODUCTION OF BILLS.

By Mr. Freeman (on leave)—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court-house, approved March second, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Lawrence (on leave)—An Act to authorize the Governor of the State of California to dispose of certain lands acquired by the State under the Act concerning escheated estates.

Read first and second times and referred to the Mariposa delegation.

GENERAL FILE.

Senate Bill No. 41—An Act to authorize A. E. Horton, E. H. Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf at Horton's Addition, in New San Diego, in the County of San Diego.

Ordered engrossed.

Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Considered in Committee of the Whole and amended.

IN SENATE.

Mr. Pearce moved to recommit, with special instructions to examine and report whether the present law sufficiently provides for and accounts for the moneys collected and rate bills.

The ayes and noes were demanded by Messrs. Pearce, Hager and Murch.

The vote was as follows :

AYES—Messrs. Banning, Freeman, Hager, Hunter, Kincaid, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Shaw—13.

NOES—Messrs. Beach, Bradley, Conn, Hardy, Heacock, Johnson, Mizner, Murch, Perley, Roberts, Robinson, Rose, Teegarden, Tubbs, Tweed, Wadsworth—16.

So the motion was lost.

Mr. Mandeville moved that the bill be made the special order for Tuesday, January twenty-first, eighteen hundred and sixty-three, at half past eleven o'clock A. M.

Carried.

REPORT.

Mr. Wadsworth, from the Committee on Engrossment, reported as follows :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 100—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

WADSWORTH, Chairman.

THIRD SPECIAL ORDER. •

At one o'clock P. M. the special order was taken up.

Assembly Concurrent Resolution No. 21, relative to instructing the Committee on Public Buildings to examine into the condition and progress of the Capitol building now in progress of erection, the manner in which materials have been procured and the business done in connection therewith.

The resolution was considered, amended and amendments adopted.

On motion, committed to the Senator from El Dorado, Mr. Johnson, for revision.

GENERAL FILE RESUMED.

Senate Bill No. 81 was recommitted with special instructions to insert "that the Act shall not apply to Solano County."

The bill was immediately reported, amendment adopted and the bill was read a third time and passed.

Senate Bill No. 106—An Act to amend an Act entitled an Act concerning persons in certain counties, approved April fourth, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 107—An Act to limit the hours of labor.

Mr. Roberts moved to postpone the further consideration of the bill for one week.

The ayes and noes were demanded by Messrs. Roberts, Lawrence and Rose.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Hardy, Heacock, Maclay, Mandeville, Mizner, Morrill, Murch, Pearce, Perley, Roberts, Robinson, Teegarden, Tweed, Wadsworth—16.

NOES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Murphy, Pendegast, Rose, Shaw—11.

So the motion was carried.

Senate Bill No. 109—An Act to repeal an Act relating to criminal prosecutions.

Referred to Judiciary Committee.

Senate Bill No. 110—An Act to authorize husband and wife to become witnesses in criminal cases.

Referred to the Judiciary Committee.

Senate Bill No. 111—An Act concerning hogs found running at large in the County of Mariposa.

Referred to the Mariposa delegation.

On motion of Mr. Rose, Senate Bill No. 107—An Act to limit the hours of labor—was ordered placed second on file for Wednesday, January twenty-second.

At ten minutes to two o'clock P. M., on motion of Mr. Hardy, the Senate adjourned.

L. B. MIZNER,
President pro tem. of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, January 16th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Rose and Murch had leave to be recorded as present at roll call.

Leave of absence was granted to Mr. Green for one day and to Mr. Pratt for the remainder of the week.

PETITIONS.

Petitions were presented as follows :

By Mr. Bradley—Of citizens of Placer County relative to certain roads in that county.

Referred to Placer delegation.

By Mr. Bradley—Of citizens of Placer County and other places along the line of the Central Pacific Railroad, asking for a reduction in the rates of fare and transportation of freight demanded by the company.

By Mr. Tweed—Of other citizens in Placer and other counties, asking the like reduction.

Severally read and laid on the table.

REPORTS.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 68—An Act to extend the time for finishing the construction of a wharf under the provisions of an Act to authorize the construction of a wharf in the County of Contra Costa, at or near the town of Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six—have had the same under consideration, report it back and recommend its passage.

MIZNER, Chairman.

Mr. Murch, from the Committee on Enrolment, reported as follows :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 57—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama ;

Also, Senate Bill No. 59—An Act to fix the terms of the Probate Court in and for the County of Tuolumne ;

Also, Senate Bill No. 63—An Act to authorize the Board of Supervisors of Solano County to pay a certain claim ;

And this day, at eleven A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Roberts, Chairman of the Committee on Printing, made the following report:

MR. PRESIDENT: The Committee on Printing, to whom was referred resolution in relation to the Printing of the Senate Journal daily, report the same back and recommend its adoption.

ROBERTS, Chairman.

Mr. Johnson reported a revised copy of a substitute for Assembly Concurrent Resolution No. 21, relative to the State Capital.

Mr. Murch, from the Humboldt delegation, reported as follows:

MR. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 29—An Act in relation to the indigent sick in the County of Humboldt—have had the same under consideration and report the same back with an amendment and recommend its passage as amended.

MURCH, for Delegation.

Mr. Lawrence made the following report:

MR. PRESIDENT: Your Committee, to whom was referred Senate Bill No. 121—An Act to authorize the Governor of the State of California to dispose of certain lands acquired by the State under the Act concerning escheated estates—respectfully recommend its reference to the Judiciary Committee.

LAWRENCE, for Committee.

Mr. Robinson, from the Alameda delegation, reported as follows:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 113—An Act to amend section seven of an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon, approved March third, eighteen hundred and sixty-six—have had the same under consideration and recommend the passage of the same.

ROBINSON, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 15th, 1868. }

To the Senate of California:

I have to inform your honorable body that I have approved Senate Bill No. 27—An Act to amend an Act entitled an Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Insti-

tutes and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows :

By Mr. Johnson—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Mizner—An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to authorize the State Treasurer to pay over certain moneys received from the sale of water property in the City of Benicia.

Read first and second times and referred to Committee on Claims.

By Mr. Murphy—An Act to amend an Act entitled an Act to protect sheep and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Pendegast—An Act for the relief of B. W. Arnold.

Read first and second times and referred to the Committee on Claims.

By Mr. Mandeville—An Act to purchase a transit instrument for the office of the Surveyor-General.

Read first and second times, and with accompanying petition referred to the Committee on Claims.

By Mr. Freeman—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six.

Read first and second times and placed on file.

Also, an Act granting the right to construct a wagon road in the counties of Kern and Santa Barbara.

Read first and second times and referred to the delegations therein named.

By Mr. Rose—An Act to provide for the revision and codification of the laws of the State of California and the publication thereof.

Read first and second times, placed on file and ordered printed.

By Mr. McDougall—An Act to fix the compensation of the District Attorney of the County of Santa Cruz, and to repeal all former Acts in relation thereto.

Read first and second times and referred to Judiciary Committee.

By Mr. Mizner—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

Read first and second times and placed on file.

AMENDMENT TO THE RULES.

The following amendment to the Standing Rules of the Senate, offered by Mr. Robinson, was adopted :

Resolved, That the following be adopted as an amendment and an addition to Rule eighteen of the Standing Rules of the Senate, to wit:

"28. Committee on State and County Revenues to consist of five members."

NOTICE.

Mr Murphy gave notice of the introduction of a bill for an Act to provide for the protection of travellers on railroads in this State.

GENERAL FILE.

Senate Bill No. 100—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

Mr. Shaw moved to re-commit the bill to the Senator from Mariposa with instructions to insert in line eighteen, after the words "tree marked," the following words:

"M; thence running easterly to an oak tree marked E."

And also add:

"Section 2. The parties interested shall apply to Congress for a confirmation of this Act."

Mr. Pearce offered the following substitute for the second amendment offered by Mr. Shaw: To recommit with instructions to strike out the word "grant," and insert in lieu thereof the following words:

"Leased and let for the term of nine years, upon the payment by him of one dollar per year in advance."

The substitute was rejected.

Mr. Mizner offered the following substitute:

"Section 2. This Act shall take effect from and after its ratification by the Congress of the United States."

Lost.

The second amendment offered by Mr. Shaw was rejected, and the Secretary instructed to insert in the bill the amendment first proposed by Mr. Shaw.

On the passage of the bill the ayes and noes were demanded by Messrs. Johnson, Pearce and Lawrence.

The vote was as follows:

AYES—Messrs. Banning, Freeman, Hunter, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Rose, Teegarden, Wadsworth—16.

NOES—Messrs. Bradley, Conn, Ewer, Hager, Hardy, Heacock, Johnson, Pearce, Roberts, Robinson, Shaw, Tubbs, Tweed, Wolcott—14.

So the bill was passed.

Senate Bill No. 120—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Auditor of Fresno County

to issue bonds to pay for constructing and furnishing a County Jail and Court-house, approved March second, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed, and Rule twelve of the Senate suspended.

Senate Bill No. 108—An Act amendatory of and supplementary to an Act entitled, an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

Ordered engrossed.

Assembly Bill No. 100—An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of road moneys of said county.

Read a third time and passed.

Senate Bill No. 98—An Act supplementary to an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

Ordered engrossed.

Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River, and roads connecting the same with the highlands.

Ordered engrossed.

Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes.

Ordered engrossed.

Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville, and for other purposes.

Ordered engrossed.

COMMITTEE APPOINTED.

The rules were suspended for the following resolution offered by Mr. Murch:

Resolved, That Senators Shaw, Tubbs and Heacock be and they are hereby appointed the Committee on the part of the Senate to amend and codify the Revenue Laws, as per concurrent resolution.

Adopted.

SPECIAL ORDER.

Senate Joint Resolution No. 1, relating to acquiring Mexican territory.

On motion of Mr. Banning, consideration of the resolution was made the special order for the fifth day of March, eighteen hundred and sixty-eight, at half-past eleven o'clock A. M.

RESOLUTION.

The rules were suspended again for the following, offered by Mr. Ewer:

Resolved, That the Committee on Finance and Claims be, and they are hereby authorized to employ a clerk jointly, to receive the per diem allowed by law.

Adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
January 16th, 1868. }

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly on the fifteenth instant passed Assembly Bill No. 133—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, Assembly Bill No. 153 (substitute for Assembly Bill No. 101)—An Act to provide for obtaining correct statements of the financial condition of the several counties of this State.

Also, Senate Bill No. 22—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz.

Also, Assembly Bill No. 112—An Act for the protection of grain fields and vineyards in the County of Sonoma and other counties.

Also, Assembly Bill No. 54—An Act to protect the wages of labor.

Also, Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses, in Sacramento City.

Also, Assembly Bill No. 47—An Act to restore and protect the Fund for Current Expenses in the County of San Luis Obispo.

Also, Senate Concurrent Resolution No. 32, in relation to appointing Joint Committee to prepare and report a bill amending and codifying the laws of the State.

Also, Senate Concurrent Resolution No. 37, in relation to inserting enacting clause (inadvertently left out), in Senate Bill No. 70—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Also, Senate Bill No. 33—An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars of the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Also, Senate Bill No. 34—An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Also, on this day passed Assembly Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King, George Carson and associates to build a wharf or wharves at the Port of San Pedro, in the County of Los Angeles.

Also, Assembly Bill No. 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

Also, the following committee was appointed this day by the Speaker, on codifying revenue laws : Messrs. Steele, Moore, Dwinelle and Hayes.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 51, above reported, was read first and second times and referred to Sacramento delegation.

Assembly Bill No. 64, above reported, was read first and second times and referred to Los Angeles delegation.

Assembly Bill No. 77, above reported, was read first and second times and referred to Committee on Agriculture.

Assembly Bill No. 112, above reported, was read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 54, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 133, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 153, above reported, was read first and second times and referred to Finance Committee.

The Senate concurred in Assembly amendment to Senate Bills Nos. 33 and 34, above reported.

RESOLUTION.

The rules were suspended, on motion of Mr. Mandeville, and the following concurrent resolution was adopted :

Resolved by the Senate, the Assembly concurring, That all bills be engrossed before transmitting them from one body to the other.

On motion of Mr. Pendegast, at one o'clock and fifty-seven minutes P. M. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Friday, January 17th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Saunders and Kincaid were granted leave of absence for one day each.

Messrs. Murphy, Rose and McDougall were allowed to be recorded as present at roll call.

REMONSTRANCE.

Mr. Wolcott presented a remonstrance from certain citizens of the

City of Sonora against legalizing the election of Trustees for said city as prayed for in a petition heretofore presented on that subject.

Read and referred to the Tuolumne delegation.

REPORTS.

Mr. Hager, from the Judiciary Committee, reported as follows:

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 8—An Act to limit the hours of labor—have had the same under consideration and report the same back without recommendation.

Also, Senate Bill No. 16—An Act to repeal an Act entitled an Act relating to criminal prosecution, approved April second, eighteen hundred and sixty-six—and report the same back with an amendment without recommendation.

Also, Senate Bill No. 25—An Act to repeal all Acts and parts of Acts authorizing and requiring the appointment of a Gauger of Wines and Liquors in this State—and recommend its indefinite postponement.

Also, Assembly Bill No. 56—An Act to reduce the salary of the County Judge of Calaveras County—and report the same back with a recommendation that it be returned to the Assembly, and that the Assembly be respectfully requested to engross the same in the form in which the same was passed by them.

Also, Senate Bill No. 90—An Act to amend an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two—and report the same back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 109—An Act to repeal an Act relating to criminal prosecutions—and report the same back and recommend its indefinite postponement.

Also, Senate Bill No. 100—An Act to repeal an Act to authorize the husband and wife to become witnesses in criminal actions—and report the same back with an amendment to the title of the same, without recommendation.

Also, Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States—and report the same back and recommend its passage.

Also, Senate Bill No. 117—An Act to amend section seven of an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty—and report the same back with an amendment to the title of the same, and recommend its passage.

HAGER, for Committee.

Mr. Heacock, Chairman of the Committee on Mileage, reported as follows:

Mr. PRESIDENT: Your Committee on Mileage would respectfully report that Senator Maclay is entitled to fifty-eight dollars and eighty cents for mileage (two hundred and ninety-four miles) in going to and returning from the Capital.

HEACOCK, Chairman.

Mr. Wolcott, Chairman of the Committee on Public Lands, reported as follows :

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Senate Bill No. 40—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said town—having had the same under consideration, report it back and recommend its passage.

WOLCOTT, Chairman.

Mr. Wolcott, Chairman of the Committee on Public Lands, also made the following report :

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Senate Bill No. 71—An Act to authorize Joseph E. N. Lewis to float certain school land warrants issued under an Act entitled an Act to dispose of the five hundred thousand acres of land granted this State by Act of Congress passed April fourteenth, eighteen hundred and forty-one, approved May third, eighteen hundred and fifty-two—have had the same under consideration, and now report it back with the recommendation that it do not pass.

WOLCOTT, Chairman.

Mr. Wadsworth, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf at Horton's addition, in New San Diego, in the County of San Diego.

Also, Senate Bill No. 98—An Act supplementary to an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 106—An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four.

WADSWORTH, Chairman.

Mr. Tubbs, from the Finance Committee, reported as follows :

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 19—An Act exempting certain property from taxation—have had the same under consideration, and report the same back and recommend its indefinite postponement.

Also, Senate Bill No. 49—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—and report the same back and recommend its reference to the Joint Committee on Revenue Laws.

Also, Senate Bill No. 64—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed

April thirtieth, eighteen hundred and sixty—and report the same back and recommend its reference to the Joint Committee on Revenue Laws.

Also, Assembly Bill No. 119—An Act to repeal an Act entitled an Act concerning assessment rolls, and returns to be made of property exempt from taxation, and also, an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the Revenue Acts of this State—and recommend its reference to the Joint Committee on Revenue Laws.

Also, Assembly Bill No. 50—An Act to amend section one of Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty—and report the same back with amendments and recommend its passage as amended.

TUBBS, Chairman.

Mr. Banning, from the Los Angeles delegation, presented the following report :

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Senate Bill No. 115—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles now existing in the form of County Auditor's warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same—have had the same under consideration, herewith report the same back and recommend its passage.

BANNING, for Delegation.

Mr. Banning, from the Los Angeles delegation, also reported as follows :

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 64—An Act to authorize T. D. Mott and others to erect a wharf in the Bay of San Pedro—have had the same under consideration and recommend its immediate passage as amended.

BANNING, for Delegation.

Mr. Chappell presented the following report :

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 48—An Act granting the right to J. W. Smith and his assigns to maintain a toll bridge across Trinity River, on the road from Hayfork Valley to Weaverville—beg leave to report the same back and recommend its passage.

CHAPPELL, for Delegation.

Mr. Perley, from the San Joaquin delegation, reported as follows :

MR. PRESIDENT: The San Joaquin delegation, to whom was referred Assembly Bill No. 61, have considered the same, report it back and recommend its passage.

PERLEY, for Delegation.

Mr. Freeman presented the following report :

Mr. PRESIDENT : The special committee, to whom was referred Senate Bill No. 129—An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara—have duly considered the same, and beg leave to report it back and respectfully recommend its passage.

FREEMAN, for Committee.

Mr. Mandeville verbally reported a recommendation in favor of the passage of Senate Bill No. 10, and also Assembly Bill No. 43, previously referred to the Tuolumne delegation.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without previous notice, as follows :

By Mr. Freeman—An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries and to provide for its organization, approved April second, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Mizner—An Act to authorize B. F. Forsyth to construct a wharf upon Napa Straits, in the City of Vallejo.

Read first and second times and, with accompanying petition, referred to Committee on Commerce and Navigation.

By Mr. Maclay—An Act for the relief of purchasers of swamp and overflowed, salt marsh and tide lands.

Read first and second times and referred to Committee on Swamp and Overflowed Lands.

By Mr. Robinson—An Act to authorize Montgomery Godley, administrator with the will annexed of the estate of Charles G. McChesney, deceased, to sell certain land belonging to the estate of said deceased.

Read first and second times and referred to Judiciary Committee.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Rose, Senate Bill No. 130 was taken from the general file for the day and referred to the Finance Committee.

On motion of Mr. Hager, Assembly Bill No. 156, above reported from the Judiciary Committee, was ordered to be returned to the Assembly with a request that it be engrossed as passed by that body.

Mr. Roberts offered the following resolution :

Resolved, That the consideration of the several matters contained in the Governor's Biennial Message be distributed as follows :

So much thereof as relates to the financial condition of the State, together with the reports of the Controller, Treasurer and Secretary of State, and affairs of Secretary of State's office, be referred to the Committee on Finance.

So much thereof as relates to the suggestions made by the Attorney-General, with the report of that officer; and so much as relates to the amendments proposed to the State Constitution, be referred to the Judiciary Committee.

So much thereof as relates to State lands, with the matters contained in the Surveyor-General's report, be referred to the Committee on Public Lands.

So much thereof as relates to the swamp and overflowed lands, salt marsh and tide lands, be referred to the Committee on Swamp and Overflowed Lands.

So much thereof as relates to the Agricultural College grant, be referred to the Committee on the Agricultural and Mining College.

So much thereof as relates to the State Capitol, together with the report of the State Capitol Commissioners, be referred to the Committee on Public Buildings.

So much thereof as relates to the Insane Asylum and to the Institution for the care of the Deaf, Dumb and Blind, together with the reports of the officers of those institutions, be referred to the Committee on State Hospitals.

So much thereof as relates to the State Prison and the Reform School, together with the reports of the officers of those institutions, be referred to the Committee on State Prison.

So much thereof as relates to the militia, together with the report of the Adjutant-General, be referred to the Committee on Military Affairs.

So much thereof as relates to common schools and the Normal School, together with the report of the Superintendent of Public Instruction, be referred to the Committee on Education.

So much thereof as relates to the State Harbor Commission, together with the report of the Harbor Commissioners, be referred to the Committee on Commerce and Navigation.

So much thereof as relates to the Geological Survey, together with the letter of the State Geologist; and so much as relates to the necessity of increased force in the Surveyor-General's office, be referred to the Committee on Public Expenditures.

So much thereof as relates to the Yosemite Valley and Big Tree Grove, together with the report of the Commissioners thereon, be referred to the Committee on Public Lands.

So much thereof as relates to the proposed amendments to the Constitution of the United States and national affairs, be referred to the Committee on Federal Relations.

That the report of the Trustees of the State Library be referred to the Committee on the State Library.

That the report of the Engineer of the Sacramento Irrigation and Navigation Canal, and the report of the transactions of the California State Agricultural Society, be referred to the Committee on Agriculture.

The resolution was adopted.

Mr. Beach offered the following concurrent resolution :

Resolved by the Senate, the Assembly concurring, That the Hospital Committee of each house be directed to visit and inquire into the sanitary condition of the Reform School, Insane Asylum, Deaf, Dumb and Blind Asylum, and all other public institutions that receive State aid, and report to each house the result of their investigation.

Adopted.

Mr. Wadsworth offered the following :

Resolved, That the Engrossing Clerk be instructed to correct a clerical error in Senate Bill No. 100, by inserting the letter "E" in place of "W," in line twenty-four of said bill.

Adopted.

Mr. Murch offered the following :

Resolved, That the Enrolling Clerk be and he is hereby authorized to appoint an assistant or assistants whenever in the opinion of the Committee on Enrolment such assistants are required, and such assistants shall receive the per diem allowed by law.

Adopted.

Mr. Pearce offered a concurrent resolution expressive of the disapproval of the people of the State of California relative to the refusal of Congress to admit the members elected to that body from the State of Kentucky. Also, relative to the action of the United States Senate in attempting to force ex-Secretary Stanton into the Cabinet of President Johnson, against the express wish and desire of that high functionary of the Government.

Mr. Roberts moved to refer the resolution to the Committee on Federal Relations.

The ayes and noes were demanded by Messrs. Pearce, Mandeville and Heacock.

The vote was as follows :

AYES—Messrs. Banning, Beach, Bradley, Chappell, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—17.

NOES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Pearce, Pendegast, Rose, Shaw—15.

So the motion was carried.

Mr. Shaw asked leave to withdraw a notice of the introduction of a bill for an Act to punish fraud and bribery in Senatorial election cases.

Mr. Mizner gave notice that he would at an early day introduce a bill to prevent frauds in Legislative elections, and also a concurrent resolution appointing a Joint Committee, with power to send for persons and papers, to inquire into the manner in which the late Senatorial election was conducted.

REPORT.

Mr. Murch, from the Committee on Enrolment, reported as follows :

MR. PRESIDENT : The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Act supplemental thereto and amendatory thereof ;

Also, Senate Bill No. 70—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States ;

And this day, at eleven o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

GENERAL FILE.

Senate Bill No. 32—An Act to fix the per diem and mileage of members of the Legislature.

Ordered placed first on the file for next Wednesday.

Senate Bill No. 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Ordered engrossed.

Assembly Bill No. 68—An Act to extend the time for finishing the construction of a wharf under the provisions of an Act to authorize the construction of a wharf in the County of Contra Costa, at or near the town of Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 29—An Act in relation to the indigent sick in the County of Humboldt.

Read a third time and passed.

Assembly Bill No. 113—An Act to amend section seven of an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon, approved March third, eighteen hundred and sixty-six.

Read third time and passed, and title amended.

Mr. Mandeville gave notice that on to-morrow he would move a reconsideration of the vote whereby the bill passed.

Senate Bill No. 122—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Mr. Ewer moved to refer the bill to the Judiciary Committee.

The ayes and noes were demanded by Messrs. Pearce, Rose and Heacock.

The vote was as follows:

AYES—Messrs. Banning, Beach, Bradley, Chappell, Ewer, Green, Hardy, Heacock, McDougall, Mizner, Morrill, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Freeman, Hager, Hunter, Johnson, Maclay, Mandeville, Pearce, Pendegast, Rose—9.

So the motion was carried.

Senate Bill No. 128—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 132—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

The rules were suspended, the bill considered engrossed, read a third time and passed.

The rules were suspended, on motion of Mr. Hager, and Senate Bill

No. 98, above reported correctly engrossed, was taken up, read a third time and passed.

On motion of Mr. Pearce, Senate Bill No. 90—An Act to amend an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two—was made the special order for Wednesday, January twenty-third.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed, substitute for Senate Bill No 100—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

WADSWORTH, Chairman.

On motion of Mr. Mizner, Senate Bill No. 24, referred to the Committee on Claims, was ordered printed.

Mr. Perley offered a resolution that the Committee on State Hospitals be authorized to appoint a clerk.

The Senate refused to adopt the resolution.

On motion of Mr. Hardy, at twelve o'clock and forty-seven minutes P. M. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, January 18th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted to Messrs. Shaw and Saunders until Tuesday next, to Mr. Bradley until Wednesday next, and to Mr. Kincaid indefinitely in consequence of sickness.

Mr. Hager was allowed to be recorded as being present at roll call.

REPORTS.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

Mr. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 5—An Act to confirm and legalize the assessment roll of Butte County for the year eighteen hundred and sixty-seven—have had the same under consideration and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 52—An Act entitled an Act to authorize the guardian of Victoriana Guerrero to sell certain real estate at private sale—and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 65—An Act to amend an Act entitled an Act concerning officers, approved April twenty-second, eighteen hundred and sixty-three—and report the same back and recommend its passage.

Also, Senate Bill No. 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—and the majority of the committee report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 114—An Act to punish fruit thieves and for the protection of fruit, ornamental trees, shrubbery and vegetable products—and report the same back and recommend that it be indefinitely postponed.

BELDEN, Chairman.

Mr. Ewer, Chairman of the Committee on Claims, made the following report:

Mr. PRESIDENT: The Committee on Claims, to whom was referred the following bills, have had the same under consideration, and beg leave to report as follows:

Senate Bill No. 61—An Act for the relief of E. F. Spence, County Treasurer of Nevada County—reported back and passage recommended.

Also, Senate Bill No. 53—An Act for the relief of Thomas D. Davenport, late County Collector of Nevada County—amended and passage recommended.

Also, Assembly Bill No. 110—An Act for the relief of Henry N. Morse, Sheriff of Alameda County—substitute reported and passage of substitute recommended.

EWER, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

Also, Senate Bill No. 108—An Act amendatory of and supplemental to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and sixty-seven.

WADSWORTH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Contingent Expenses, reported as follows:

Mr. PRESIDENT: The Committee on Contingent Expenses, to whom was referred Assembly Concurrent Resolution No. 16, appropriating

funds to defray the inaugural expenses, have had the same under consideration. The resolution appropriates six hundred and fifty dollars out of the Contingent Funds of the Senate and Assembly. The expenses of the inaugural going to make up this large amount consist of the following items:

For what purpose.	Amount.
For carriage hire	\$350 00
Salutes.....	150 00
Music.....	100 00
Hay.....	50 00
Total.....	\$650 00

The committee have been unable to find any precedent for some of these items, and deem others exorbitant and out of all reason, and respectfully report the same back with an amendment and recommend concurrence in the same as amended.

WADSWORTH, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 17th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 59—An Act to fix the terms of the Probate Court in and for the County of Tuolumne.

Also, Senate Bill No. 63—An Act to authorize the Board of Supervisors of Solano County to pay a certain claim.

Also, Senate Bill No. 57—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows:

By Mr. Mizner—An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof.

Read first and second times and referred to Committee on Commerce and Navigation.

By Mr. Mandeville—An Act granting to the Omnibus Railroad Company certain rights therein named.

Read first and second times and referred to the San Francisco delegation.

By Mr. Roberts—An Act to convert all legal tender notes in the State Treasury into bonds of the United States.

Read first and second times and referred to the Finance Committee.

By Mr. Chappell—An Act to provide for the payment of the salary of the District Attorney of Shasta County.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wolcott—An Act to provide for the payment of certain warrants drawn by the Auditor of the County of Mono on the Treasurer of said county.

Read first and second times and referred to the Committee on Claims.

By Mr. Maclay—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. Wadsworth—An Act to provide for the payment of certain outstanding bonds of the State of California.

Read first and second times and referred to the Committee on Claims.

RESOLUTIONS.

The Senate took up Assembly Concurrent Resolution No. 21, the Senate substitute therefor, and copy thereof heretofore directed to be prepared under the revision of Mr. Johnson.

Mr. Heacock moved that the resolution, substitute and revised copy be referred to the Committee on Public Buildings.

The ayes and noes were demanded by Messrs Chappell, Heacock and Green.

The vote was as follows :

AYES—Messrs. Beach, Belden, Chappell, Ewer, Freeman, Green, Heacock, Mizner, Murch, Perley, Roberts, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—16.

NOES—Messrs. Conn. Hager, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Robinson, Rose—15.

So the motion was carried.

Mr. Beach offered the following concurrent resolution :

Resolved by the Senate, the Assembly concurring, That the State Hospital Committee of each house be directed to investigate and report upon the charges of cruelty and inhumanity preferred against the Superintendent of the State Reform School, at Marysville, by the Sacramento Union in its issue of November sixteenth, eighteen hundred and sixty-seven.

Adopted.

Mr. Chappell offered the following :

Resolved, That the Journal Clerk of the Senate be and he is hereby allowed to appoint an assistant at the per diem allowed the Copying Clerks, payable out of the appropriation for contingent expenses of the Senate.

Mr. Hager moved to refer the resolution to the Committee on Public Expenditures.

Carried.

Mr. Banning was granted leave of absence for two days.

NOTICE.

Notice of the introduction of a bill was given, as follows:

By Mr. Conn—An Act to authorize certain parties therein named to construct and maintain a toll road within the County of San Bernardino.

INTRODUCTION OF BILLS.

The rules were suspended, and by leave Mr. Murphy introduced a bill for an Act to amend the seventy-fourth section of an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee.

Also, an Act defining the boundary line between the Counties of Santa Barbara and San Luis Obispo.

Read first and second times and referred to the Committee on Counties and County Boundaries.

GENERAL FILE.

Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf at Horton's addition in New San Diego, in the County of San Diego.

Read a third time and passed.

Senate Bill No. 8—An Act to limit the hours of labor.

On motion of Mr. Roberts placed on top of the file for next Wednesday.

Senate Bill No. 16—An Act to repeal an Act entitled an Act relating to criminal prosecutions, approved April second, eighteen hundred and sixty-six.

Made the special order for Thursday next at one o'clock P. M.

Senate Bill No. 110—An Act to repeal an Act to authorize the husband and wife to become witnesses in criminal cases.

Also made the special order for Thursday next, at one o'clock P. M.

Senate Bill No. 25—An Act to repeal all Acts and parts of Acts authorizing and requiring the appointment of a Gauger of Wines and Liquors in this State.

Passed on file.

Senate Bill No. 109—An Act to repeal an Act relating to criminal prosecution

Indefinitely postponed.

Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

Ordered engrossed.

Senate Bill No. 117—An Act to amend section seven of an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty-one.

Referred to the Committee on Public Morals.

At ten minutes to one o'clock P. M., Messrs. Rose and Pendegast were

severally allowed leave of absence for the balance of the day and for Monday next.

Senate Bill No. 71 was continued on file.

RESOLUTION.

The rules were suspended, and Mr. Murphy offered the following resolution :

Resolved, That when the Senate adjourn, it adjourn until one o'clock P. M. on Tuesday next, January twenty-first, eighteen hundred and sixty-eight.

Lost.

GENERAL FILE RESUMED.

Senate Bill No. 40—An Act to authorize the corporate authorities of the town of Crescent City to locate the tide lands in front of said town. Amended, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 19—An Act to exempt certain property from taxation. Indefinitely postponed.

Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

An amendment was reported and adopted, and the bill referred to Judiciary Committee, to be reported on Wednesday.

Senate Bill No. 115—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles, now existing in the form of County Auditor's warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Roberts gave notice of a motion to reconsider.

Senate Bill No. 48—An Act granting the right to John W. Smith, or his assigns, to maintain a bridge across Trinity River, on the wagon road from Hayfork Valley to Weaverville, in Trinity County.

Recommitted to the delegations from Shasta and Trinity.

Senate Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King, George Carson, and associates, to build a wharf or wharves at the Port of San Pedro, in the County of Los Angeles.

On motion of Mr. Hager, returned to the Assembly with a request that it be engrossed in the form in which it passed that body.

Assembly Bill No. 61—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide payment of the same.

Read a third time and passed.

Senate Bill No. 129—An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara.

Referred to the Committee on Roads and Highways.

Senate Bill No. 10—An Act improve the Tuolumne and Merced Rivers for rafting logs and timber.

Made the special order for Friday next, at one o'clock p. m.

Assembly Bill No. 43—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes.

Read a third time and passed.

Senate Bill No. 133—An Act to amend an Act to create the County of Kern, to define its boundaries and to provide for its organization, approved April second, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Pearce, at two o'clock and forty-three minutes p. m. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Monday, January 20th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

REPORTS.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 87—An Act to amend section ten of an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four—have had the same under consideration, and report it back and recommend its passage.

MIZNER, Chairman.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, also presented the following:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo—have had the same under consideration, made eight amendments thereto, report it back and recommend its passage.

MIZNER, Chairman.

Mr. Mizner, from the Committee on Commerce and Navigation, reported as follows:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey—have had the same under consideration, made two amendments thereto, report it back and recommend its passage as amended.

MIZNER, Chairman.

Mr. Beach, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT: The Committee on Public Expenditures, to whom was referred Senate resolution authorizing the appointment of an Assistant Journal Clerk, have had the same under consideration, have made an amendment thereto, and recommend the passage of the resolution as amended.

BEACH, Chairman.

Mr. Murch, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, substitute for Senate Bill No. 47—An Act to restore and protect the Fund for Current Expenses in the County of San Luis Obispo;

And on January eighteenth, at two o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Chappell presented the following report:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 48—An Act to give the right to John W. Smith to maintain a bridge across Trinity River—beg leave to report the same back and recommend that it do not pass.

CHAPPELL, for Delegation.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 46—An Act concerning the office of Public Administrator in Marin County—have had the same under consideration, and report the same back with an amendment and recommend its passage.

Also, Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four—and report the same back with an amendment, and recommend its passage with the amendment.

Also, Senate Bill No. 78—An Act to authorize persons against whom judgment has been ordered upon a conviction for felony to testify as

witnesses in certain cases—and report the same back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 17—An Act for the relief of debtors—and report the same back with a substitute and recommend the passage of the substitute.

BELDEN, Chairman.

MESSAGE FROM THE ASSEMBLY

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
January 18th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 120—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court-house, approved March second, eighteen hundred and sixty-six.

J. A. EAGAN,
Chief Clerk.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows :

By Mr. Robinson—An Act to furnish the public streets and highways with shade trees.

Read first and second times and referred to the Committee on Agriculture, and ordered printed.

By Mr. Teegarden—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Tweed—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to Judiciary Committee.

Mr. Johnson raised a point of order that Rule ten of the Standing Rules of the Senate required the entire reading of a bill on its introduction, unless by unanimous consent.

The President decided the point of order to be well taken.

By Mr. Conn—An Act concerning the redemption of real property sold for non-payment of taxes.

Read first and second times and referred to the Committee on the Codification of the Revenue Laws and ordered printed.

By Mr. Hager—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Read first and second times and referred to the Judiciary Committee.
By Mr. McDougall—An Act to prevent fires in the farming and grazing districts.

Read first and second times, and with accompanying petition referred to the Committee on Agriculture.

By Mr. Green—An Act concerning the insane convicts at the State Prison.

Read first and second times and referred to Judiciary Committee.

FURTHER REPORTS.

The rules were suspended for the introduction of reports :

Mr. Lawrence presented the following report :

MR. PRESIDENT: Your Committee, to whom was referred Senate Bill No. 111—An Act concerning hogs found running at large in the County of Mariposa—would respectfully report the same back with an amendment of section three, requiring ten days notice instead of five, as in the original bill; also an amendment of section five, extending the time required for the owners of the trespassing hogs to prove property to thirty days instead of five.

A careful examination of the bill shows that in substance it corresponds with the Act of April twenty-first, eighteen hundred and fifty-six, applying to Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara; with Act of March sixteenth, eighteen hundred and sixty-three, amended to apply to Butte County, and with Act of March twenty-fourth, eighteen hundred and sixty-four, applying the same provisions to Sutter, San Joaquin, Yolo, San Mateo, Santa Cruz, Santa Barbara, San Luis Obispo, San Bernardino and Tuolumne.

The objections to the bill on the ground of unconstitutionality appear to be invalid, as the proceedings in case of trespass under the Act herewith reported constitute a "due process of law."

As in all local police regulations, the process is necessarily summary, and dispenses with the slow and devious methods which would defeat the object of the bill.

In addition to this, I would respectfully represent, that it is nearly the unanimous wish of the people of Mariposa County that this bill shall pass; their general verdict being to the effect that stray hogs are *de facto* a nuisance and should be restrained of their "personal liberty."

Wherefore, the bill is respectfully reported back amended as aforesaid, with a recommendation that it be placed on the general file.

LAWRENCE, Special Committee.

Mr. Roberts, from the Nevada delegation, made the following report :

MR. PRESIDENT: The special committee composed of the Nevada delegation, to whom was referred Assembly Bill No. 31—An Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County—report the same back with amendments, and recommend the passage of the bill as amended.

ROBERTS, for Delegation.

Mr. Heacock, Chairman of the Committee on Mileage, reported as follows :

Mr. PRESIDENT : Your Committee on Mileage would respectfully submit the following report : That Messrs. Green, Chappell, Wolcott, Ewer and Saunders, constituting the Senate State Prison Committee, are each entitled to the sum of fifty-two dollars for mileage (two hundred and sixty miles), in going to and returning from the State Prison at San Quentin.

Also, that Messrs. Hager, Morrill, Pearce, Robinson and Heacock, of the Joint State University Committee of the two houses, are each entitled to the sum of fifty-two dollars and forty cents for mileage (two hundred and sixty-two miles), in going to and returning from the proposed site of the State University, in Alameda County.

HEACOCK, Chairman.

NOTICES.

Notices of the introduction of bills were given, as follows :

By Mr. Mizner—An Act to amend an Act to provide for choosing Electors of President and Vice President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two, and the Acts amendatory thereof.

By Mr. Maclay—An Act to amend an Act to establish County Infirmaries in this State, approved March thirty-first, eighteen hundred and fifty-five.

Mr. Roberts, according to notice given on Saturday, moved to reconsider the vote whereby the Senate on that day passed Senate Bill No. 115,

Lost.

RESOLUTIONS.

Mr. Mizner offered the following resolution :

Resolved, That the Secretary of the Senate be and he is hereby instructed to add the following words to Senate Bill No. 132, as section three of said bill :

“Section 3. This Act shall take effect and be in force from and after its passage.”

Adopted.

Mr. Roberts offered the following :

Resolved, That the Standing Committee on State and County Revenues shall consist of Senators Maclay, Beach, Lewis, Murch and Conly.

Adopted.

Mr. Robinson offered a concurrent resolution instructing the Committee on State Hospitals to examine specially certain subjects named in the resolution, while visiting the Insane Asylum, at Stockton, and the State Reform School, near Marysville, and to report on the facts ascertained to their respective houses.

Adopted.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes.

Also, Senate Bill No. 132—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

Also, Senate Bill No. 128—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

GENERAL FILE.

Senate Bill No. 92—An Act to provide for the payment of the indebtedness of Lassen County.

Referred to the Committee on State and County Revenue.

Senate Bill No. 25—An Act to repeal all Acts and parts of Acts authorizing and requiring the appointment of a Gauger of Wines and Liquors in this State.

Returned to the file.

Senate Bill No. 71—An Act to authorize Joseph E. N. Lewis to float certain school land warrants issued under an Act entitled an Act to dispose of the five hundred thousand acres of land granted this State by Act of Congress passed April fourth, eighteen hundred and forty-one, approved May third, eighteen hundred and fifty-two.

Laid on the table.

Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

Read a third time and passed.

Senate Bill No. 108—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

Read a third time and passed.

Senate Bill No. 5—An Act to confirm and legalize the assessment roll of Butte County for the year eighteen hundred and sixty-seven.

Amendment reported and adopted. Rules suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 52—An Act entitled an Act to authorize the guardian of Victoriano Guerrero to sell certain real estate at private sale

Substitute adopted. Rules suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 65—An Act to amend an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Ordered engrossed.

Senate Bill No. 55 was ordered placed at the top of the file for tomorrow.

Senate Bill No. 114 was taken from the file and referred to the Judiciary Committee.

Senate Bill No. 61—An Act for the relief of E. T. Spence, County Treasurer of Nevada County.

The rules were suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 53—An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

Amendments adopted and bill ordered engrossed.

Assembly Bill No. 110—An Act for the relief of Henry N. Morse, Sheriff of the County of Alameda.

Substitute adopted. Rules suspended, bill considered engrossed, read third time and passed.

Assembly Concurrent Resolution No. 16, appropriating funds to pay the Inaugural expenses.

A motion to refer the resolution to the Committee on Claims was lost.

Mr. Mandeville moved to amend the amendment recommended by the Committee on Contingent Expenses, by striking out "one hundred and fifty dollars" and inserting "four hundred and fifty dollars."

The ayes and noes were demanded by Messrs. Mandeville, Freeman and McDougall.

The vote was as follows :

AYES—Messrs. Conn, Freeman, Hunter, Kincaid, Mandeville, McDougall—6.

NOES—Messrs. Beach, Belden, Chappell, Ewer, Green, Hager, Hardy, Heacock, Johnson, Lawrence, Mizner, Murch, Pearce, Perley, Roberts, Robinson, Teegarden, Tweed, Wadsworth—19.

So the motion was lost.

Mr. Heacock moved to amend by striking out "one hundred and fifty dollars" and inserting "two hundred and fifty dollars."

Lost.

Mr. Mandeville moved to lay the resolution on the table.

Lost.

The amendment recommended by the Committee was adopted and the resolution as amended concurred in.

At one o'clock and fifteen minutes P. M., on motion of Mr. Mizner, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 21st, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

STATE GEOLOGIST.

The President submitted to the Senate the following communication addressed to him by the State Geologist :

SAN FRANCISCO,
January 20th, 1868. }

Honorable William Holden, President of the Senate :

SIR : In reply to an official communication of a concurrent resolution passed by the Senate and Assembly, and inviting me to address them "on the progress of the Geological Survey," I would respectfully return my thanks for the same, and would designate Thursday evening of next week (January thirtieth), as a convenient time for that purpose.

I am, very respectfully, your obedient servant,

J. D. WHITNEY,
State Geologist.

P. S.—Should the day fixed by me not suit the convenience of the Legislature, please confer with the Speaker of the Assembly, and in concurrence with him name any suitable day after that.

PETITIONS.

Petitions were presented as follows :

By Mr. Pearce—Of merchants and dealers in San Francisco, concerning the gauging of liquors.

By Mr. Chappell—Of taxpayers of Shasta to provide a District Attorney Salary Fund.

Referred to the Judiciary Committee.

By Mr. Murphy—Of Edward Chattin, representing himself as the owner and holder of certain bonds of the State of California, issued under an Act approved May third, eighteen hundred and fifty-two, asking the Legislature to make provision for funding or paying the same.

Referred to the Committee on Claims.

By Mr. Saunders—A duplicate of the petition last foregoing.

Referred to the Committee on Claims.

REPORTS.

Mr. Murch, from the Committee on Enrolment, reported as follows :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, substitute for Senate Bill No. 22—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz;

Also, Senate Bill No. 120—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court-house, approved March second, eighteen hundred and sixty-six;

And this day, at ten o'clock and forty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands.

Also, Senate Bill No. 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

WADSWORTH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Contingent Expenses, reported as follows:

MR. PRESIDENT: The Committee on Contingent Expenses have examined and found correct the following accounts:

To whom due.	Amounts.
John Breuner & Co., furniture.....	\$667 24
Locke & Lavenson, carpets, etc.....	811 80
Daniel W. Clark, gas fixtures, etc.....	323 45
Thomas Hansbrow, stoves, etc.....	163 00
C. Rave, locks, keys, etc.....	41 25
A. B. Nixon, gas fixtures, etc.....	25 00
Justin Gates & Brother, soap, oil, etc.....	16 25
J. P. Mason, mail bag.....	8 00
Anton Menke & Co., baskets.....	6 50
J. E. Dent, small lamp	3 50

To whom due.	Amounts.
J. Bithell, five copies Hittell's Digest.....	102 50
W. F. Knox, rent for five rooms, two months.....	210 00
Mrs. R. L. Jones, rent for two rooms, two months.....	50 00
Daily Evening Bulletin, twenty-four copies, four weeks.....	48 00
Weekly Bulletin, eight copies for session.....	24 00
Daily Stockton Independent, seven copies, four weeks.....	14 00
Weekly Stockton Independent, nine copies for session.....	27 00
Daily Alta, ten copies, four weeks.....	20 00
Weekly Alta, one copy for session.....	3 00
Daily Examiner, twenty-six copies, six weeks.....	76 00
Daily Call, three copies for session.....	9 00
Christian Advocate, one copy for session.....	3 00
Healdsburg Standard, three copies for session.....	9 00
Sonoma Democrat, six copies for session.....	18 00
Plumas National, two copies for session.....	6 00
Mountain Democrat, ten copies for session.....	30 00
Santa Cruz Times, one copy for session.....	3 00
Havilah Courier, one copy for session.....	3 00
Red Bluff Sentinel, one copy for session.....	3 00
Yreka Journal, nine copies for session.....	27 00
Mendocino Democrat, eight copies for session.....	24 00
Humboldt Times, three copies for session.....	9 00
News Letter, one copy for session.....	3 00
News Letter, nine copies, six weeks.....	10 12
Golden Era, thirteen copies, six weeks.....	14 63
Californian, two copies, six weeks.....	2 25
Golden City, six copies, six weeks.....	6 75
Mining Press, eight copies, six weeks....	9 00

And recommend the adoption of the following resolution :

Resolved, That the Controller of State be and he is hereby required to draw his warrants on the Contingent Fund of the Senate in favor of the foregoing named parties for the amounts specified, and the Treasurer be required to pay the same.

WADSWORTH, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 99—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two—have had the same under consideration, report it back and recommend its passage.

BELDEN, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 20th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 70—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Also, Senate Bill No. 3—An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, substitute for Senate Bill No. 47—An Act to repeal an Act entitled an Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three, approved March thirteenth, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Kincaid—An Act to amend an Act entitled an Act to regulate proceedings in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee. Also, An Act to provide for the payment of interpreters in the Courts of justice in criminal cases in San Mateo County.

Read first and second times and referred to the Judiciary Committee.

By Mr. Heacock—An Act to appropriate money to pay the outstanding Indian war bonds and interest coupons issued by the State of California under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Read first and second times and referred to Committee on Claims.

By Mr. Teegarden—An Act to amend section eighty-one, Article 6, 230, of the Revenue Act of the State of California.

Read first and second times and referred to Committee on Finance.

By Mr. Pendegast—An Act for the purpose of providing the District Courts of this State with the statutes and reports.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco.

Read first and second times and referred to San Francisco delegation.

By Mr. McDougall—An Act granting the right of way to Matt. Tarpey, Benjamin A. Barney and others, to construct and maintain a bridge across the Pajaro River and collect toll on the same.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Murphy—An Act making the office of Sheriff of San Luis Obispo a salaried office.

Read first and second times and placed on file.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Roberts, the Senate adopted the report presented yesterday by the Chairman of the Committee on Mileage

Mr. Murch offered a resolution to pay John H. Moran for appearance and mileage as witness before the Senate Committee of Investigation in regard to the disposition of certain furniture belonging to the State.

Referred to the Committee on Contingent Expenses.

On motion of Mr. Hager, J. J. Thomas, a Porter for the Senate Chamber, was allowed leave of absence until Monday next.

MESSAGE FROM THE ASSEMBLY.

The rules were suspended, and the following message from the Assembly was taken up:

ASSEMBLY CHAMBER,
January 21st, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the eighteenth day of January, eighteen hundred and sixty-eight, passed the accompanying resolution relative to returning to the Assembly, Senate Bills Nos. 33 and 34:

Resolved, That the Senate be respectfully requested to return to the Assembly, for its amendatory action, Senate Bills No. 33 and No. 34, improperly passed by the Assembly, January fifteenth, eighteen hundred sixty-eight.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

On motion of Mr. Mandeville, Senate Bills Nos. 33 and 34 were returned to the Assembly, according to the request of the foregoing resolution.

REPORT.

Mr. Ewer, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 113—An Act to appropriate money to pay a certain claim—have had the same under consideration and report the same back and recommend its passage.

EWER, Chairman.

GENERAL FILE.

Senate Bill No. 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Substitute reported and adopted.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Lawrence, Murphy and Roberts:

The vote was as follows:

AYES—Messrs. Banning, Beach, Chappell, Conn, Ewer, Freeman, Green, Hager, Hardy, Heacock, Johnson, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Pendegast, Perley, Roberts, Robinson, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—28

NOES—Messrs. Belden, Hunter, Lawrence, Murphy, Pearce, Rose.—6.

So the bill was ordered engrossed.

Senate Bill No. 52—An Act to repeal all Acts and parts of Acts authorizing and requiring the appointment of a Gauger of Wines and Liquors in this State.

Indefinitely postponed.

Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County and for other purposes.

Read a third time and passed.

Senate Bill No. 132—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

Read a third time and passed.

Assembly Bill No. 87—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Referred to the delegations from San Francisco, Alameda, Contra Costa, Marin and Sonoma.

Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo.

Amendments reported and adopted, and bill ordered engrossed.

Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey.

Amendments reported and adopted, and bill ordered engrossed.

Assembly Bill No. 48—An Act granting the right to John W. Smith or his assigns to maintain a bridge across Trinity River on the wagon road from Hayfork Valley to Weaverville, in Trinity County.

Indefinitely postponed.

Senate Bill No. 46—An Act concerning the office of Public Administrator in Marin County.

Ordered engrossed.

Senate Bill No. 17—An Act for the relief of debtors.

Ordered engrossed.

Senate Bill No. 78—An Act to authorize persons against whom judgment has been rendered upon a conviction for felony to testify as witnesses in certain cases.

Substitute reported and adopted, and bill ordered engrossed.

Senate Bill No. 111—An Act concerning hogs found running at large in the County of Mariposa.

Amendments reported and adopted, and bill ordered engrossed.

Senate Bill No. 31—An Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County.

Amendments reported and adopted. The bill was read a third time and passed, and title amended.

Senate Bill No. 79 was ordered to the top of the file for to-morrow.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find favorably engrossed, substitute for Senate Bill No. 42—An Act entitled an Act to authorize the guardian of Victoriano Guerrero to sell certain real estate at private sale.

WADSWORTH, Chairman.

RESOLUTION.

The rules were suspended for the introduction of the following resolution by Mr. Pennington:

Resolved, That one week's per diem be allowed to A. A. DeLong, Clerk of the Sergeant-at-Arms of the last Senate, for attendance during the first week of the present session, payable out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses.

SPECIAL ORDER.

The Senate at half-past one o'clock P. M. took up the special order of the day.

Senate Bill No. 28—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Mr. Banning moved to indefinitely postpone the bill.

The yeas and nays were demanded by Messrs. Murphy, Hencock, and Banning.

The vote was as follows:

Ayes—Messrs. Banning, Ever, Freeman, Hester, Johnson, Mackay, Macomber, McDougall, Merrill, Murphy, Powers, Pennington, Rose, Sargent—14.

Nays—Messrs. Bond, Bolton, Chappell, Cook, Green, Hager, Hardy, Hencock, Johnson, Muzzey, Munn, Parker, Roberts, Robinson, Shaw, Teegarden, Tweed, Wadsworth, Wolcott—19.

So the motion was lost.

Mr. Macomber proposed to make the further consideration of the bill the special order for a day certain not named.

Mr. Powers raised the point of order that the effect of a negation of a motion to indefinitely postpone a bill was to carry the bill forward another stage towards its passage.

The President decided the point of order not well taken.

Mr. Powers appealed to the Senate.

Pending discussion on the appeal, on motion of Mr. Mizeen, at half-past two o'clock P. M. the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
 Wednesday, January 22d, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Kincaid was granted indefinite leave of absence.

PETITIONS.

Petitions were presented as follows :

By Mr. Tweed—Of residents and taxpayers of Road District No. 3, Placer County, relative to a bridge crossing Auburn Ravine.

Referred to Placer delegation.

By Mr. Tweed—Two petitions of citizens of Placer, El Dorado and Nevada Counties, relative to rates of fare and freight on the Central Pacific Railroad.

REPORTS.

Mr. Ewer, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 126—An Act for the relief of B. W. Arnold—have had the same under consideration and report the same back and recommend that it do not pass.

Also, Senate Bill No. 6—An Act to provide for certain unredeemed State indebtedness—report the same back and recommend its passage.

EWER, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—have had the same under consideration, report it back with amendments, and recommend its passage as amended.

The Committee have also had under consideration, Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty—report the same back with a substitute, and recommend the adoption of the substitute.

Also, Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others to construct a lock in Cache Creek, at or

near the outlet of Clear Lake, in Lake County—and report the same back without recommendation.

BELDEN, Chairman.

Mr. Heacock, from the Committee on Contingent Expenses, reported as follows :

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred, Senate resolution to pay John H. Moran for certain services, have had the same under consideration and submit the following report :

The law fixes the legal distance from Napa to the Capital at sixty miles, thus entitling Mr. Moran to mileage for one hundred and twenty miles in going to and returning from the Capital. But by reason of there being no line of travel open direct between Napa and the Capital, Mr. Moran is compelled to reach the Capital via San Francisco and to return in the same way, thus increasing the distance travelled by him, in going and returning, to three hundred and seventy miles, which, at twenty cents per mile, amounts to seventy-four dollars; for four days attendance, at two dollars per day, fourteen dollars; total, eighty-eight dollars. Wherefore, your Committee recommend that that the words and figures "one hundred and six dollars and fifty cents (\$166 50)," be stricken from the resolution and the words "eighty-eight dollars" be inserted instead thereof, and that the resolution so amended be passed.

HEACOCK, for Committee.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 5—An Act to confirm and legalize the assessment roll of Butte County for the year eighteen hundred and sixty-seven.

Also, Senate Bill No. 53—An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

Also, Senate Bill No. 61—An Act for the relief of E. T. Spence, County Treasurer of Nevada County.

Also, Senate Bill No. 65—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Also, Senate Bill No. 115—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles, now existing in the form of County Auditor's warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same.

Also, Senate Bill No. 133—An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries, and to provide for its organization, approved April second, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Contingent Expenses, reported as follows :

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred Senate resolution allowing one week's pay to A. A. Delong, for services during the organization of the present session, would report the same back and recommend its adoption.

WADSWORTH, Chairman.

Mr. Mizner verbally reported Assembly Bill No. 103, asking that it be referred to the San Bernardino delegation.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
January 21st, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the sixteenth instant passed Concurrent Resolution No. 13, requesting the Attorney-General to examine the plats of survey in the office of the United States Surveyor-General.

Also, relative to applying to Congress for mail facilities between Sacramento and Princeton.

Also, on the eighteenth instant, concurred in Senate concurrent resolution directing the Hospital Committees of each house to visit certain public institutions.

Also, on the seventeenth instant, concurred in Senate Concurrent Resolution No. 38, relative to engrossing bills.

Also, passed Assembly Bill No. 136—An Act to authorize Charles M. Benbrook, Samuel Maben and Marcus D. Brundige to construct and maintain a turnpike road from Wiley's rancho to Willow Springs, in the County of Los Angeles.

Also, Assembly Bill No. 157—An Act concerning county records of Los Angeles County.

Also, Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns.

Also, Assembly Bill No. 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government for the purpose of constructing public roads in said counties.

Also, Assembly Bill No. 63—An Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino and to define their duties, approved February eighteenth, eighteen hundred and sixty-four, and to make the same applicable to San Antonio Creek, in Los Angeles County.

Also, Assembly Bill No. 171—An Act to authorize the Board of Supervisors of the County of Trinity to release the County Treasurer of said county from the payment of certain moneys.

Also, Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara.

Also, Assembly Bill No. 117—An Act to authorize the Board of Supervisors of Butte County to grant relief to W. S. Reese, of said county, on account of certain lost warrants owned by him.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 17, above reported, was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 62, above reported, was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 117, above reported, was read first and second times and referred to the Butte delegation.

Assembly Bill No. 16, above reported, was read first and second times and referred to Committee on Commerce and Navigation.

Assembly Bill No. 63, above reported, was read first and second times and referred to San Bernardino delegation.

Assembly Bill No. 49, above reported, was read first and second times and referred to the Committee on Public Lands.

Assembly Bill No. 157, above reported, was read first and second times and referred to Los Angeles delegation.

Assembly Bill No. 136, above reported, was read first and second times and referred to the Los Angeles delegation.

Assembly concurrent resolution above reported was referred to the Committee on Federal Relations.

Assembly Concurrent Resolution No. 31, above reported, having been first amended by striking out "Attorney-General" and inserting "Surveyor-General of the State," was referred to the Committee on Swamp and Overflowed Lands.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows:

By Mr. Robinson—An Act to provide for choosing Electors of President and Vice-President of the United States.

Read first and second times and referred to Committee on Elections.

By Mr. Shaw—An Act to prevent injury to the Protestant Orphan Asylum of San Francisco.

Read first and second times and referred to San Francisco delegation.

Also, an Act concerning the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Conn—An Act to amend section five of an Act to provide for the incorporation of colleges.

Read first and second times and referred to the Committee on Education.

By Mr. Murphy—An Act to fix the compensation of the County Assessor of the County of San Luis Obispo.

Read first and second times and placed on file.

By Mr. Hager—An Act prescribing certain conditions for the transaction of insurance business in the State of California.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

Also, an Act creating the office of Insurance Commissioner and prescribing his duties and powers.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Saunders—An Act to establish and maintain an Alms-house in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Read first and second times and referred to the San Francisco delegation.

REPORTS.

Mr. Belden, the rules being suspended, made the following report :

Mr. PRESIDENT : The Committee on Joint Rules respectfully report the following :

JOINT RULES OF THE SENATE AND ASSEMBLY.

1.

In every case of an amendment of a bill agreed to in one House, and dissented from in the other, if either House shall request a conference, and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action.

2.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

4.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

5.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

6.

When bills are enrolled, they shall be examined by the Enrolling Com-

mittee of the House in which they originate, who shall carefully compare the enrolment with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

7.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

8.

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

9.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

10.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

11.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

12.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

13.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

14.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

15.

No bill or resolution that shall have passed the Assembly and Senate

shall be presented to the Governor for his approval on the last day of the session.

16.

No appropriations of money, for any purpose whatever, shall be made except by bill.

17.

Each House may order the printing of bills introduced and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

18.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

19.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes or is under the control of this Legislature.

20.

No increase of the pay of any officer or attaché of the Senate or Assembly shall be made by resolution, except by unanimous consent.

21.

All concurrent or joint resolutions, which relate to or contain communications to the Federal Government, shall be treated in all respects as bills.

BELDEN,

Chairman of Senate Committee.

O'MALLEY,

Chairman of House Committee.

Mr. Perley, Chairman of the Committee on Agriculture, presented the following report :

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 125—An Act to amend an Act entitled an Act to protect sheep and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six—have had the same under consideration, report it back and recommend it be indefinitely postponed.

They have also considered Senate Bill No. 146—An Act to furnish the public streets and highways with shade trees—report it back and recommend its passage.

PERLEY, Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hardy introduced the following:

Resolved, That, in accordance with the report of the Committee on Mileage adopted on the twenty-second instant, the Controller of State be instructed to draw his warrants in favor of Messrs. Green, Chappell, Wolcott, Ewer and Saunders for the sum of fifty-two dollars each for mileage in going to and returning from the State Prison.

Also, in favor of Messrs. Hager, Pearce, Morrill, Robinson and Heacock, for the sum of fifty-two dollars and forty cents each for mileage in going to and returning from the proposed site of the State University in Alameda County. Such warrants to be drawn upon the State Treasurer, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Wadsworth moved to take up a report and resolution appropriating money to pay A. A. Delong for certain services.

The President decided the motion out of order.

Mr. Roberts appealed from the decision, which was to the effect that all reports and resolutions reported from the Committees and not immediately acted on, under suspension of the rules, should be placed on the general file.

On the question, Shall the decision of the Chair stand as the judgment of the Senate? a division was had and the question was decided in the affirmative.

On motion of Mr. Murch, the following resolution, reported with an amendment from the Committee on Contingent Expenses, was adopted:

Resolved, That T. H. Moran be and he is hereby allowed the sum of eighty-eight dollars, payable out of the Contingent Fund of the Senate, for service as a witness before the Senate Furniture Committee and mileage from Napa; and the Controller is hereby instructed to draw his warrant on the State Treasury for said amount, and the Treasurer is hereby authorized to pay the same.

GENERAL FILE.

Assembly Bill No. 32—An Act to fix the per diem and mileage of members of the Legislature.

The amendment reported by the Finance Committee was rejected.

Mr. Mizner offered the following amendment to section one:

“The members of the Legislature shall each receive a salary of one thousand dollars for each regular session and the mileage now allowed by law; and in case of a called session, the members shall receive five dollars per day for sixty days and no longer.”

Mr. Roberts proposed to amend the amendment, by adding as follows:

“Payable in equal monthly instalments, at the end of each month's service.”

On adopting the amendment the ayes and noes were demanded by Messrs. Mizner, Ewer and Roberts.

Mr. Hager moved to recommit the bill to the Finance Committee with instructions to report on the expediency of adopting a salary system for compensating members of the Legislature, in lieu of the per diem now allowed.

Mr. Mizner had leave to substitute the following for the former amendment offered by him :

“ Members of the Legislature shall each receive one thousand dollars for each regular session, payable as follows : One quarter on the day on which the two houses complete their organization ; one quarter at the end of the thirtieth day of the session ; one quarter at the end of the sixtieth day of the session, and the remainder on the last day of the session.”

On adopting the motion of Mr. Hager, the ayes and noes were demanded by Messrs. Roberts, Mizner and Ewer.

The vote was as follows :

AYES—Messrs. Bradley, Chappell, Conn, Ewer, Green, Hager, Hardy, Heacock, Johnson, Mizner, Murch, Pearce, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—21.

NOES—Messrs. Banning, Beach, Belden, Freeman, Hunter, Lawrence, Maclay, Mandeville McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Tweed—15.

So the motion was carried.

Senate Bills Nos. 8 and 107 were jointly made the special order for Wednesday, February fifth, at half-past eleven o'clock A. M.

Senate Bill No. 79 was taken from the file and referred to the Judiciary Committee.

Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands.

Read a third time and passed.

Senate Bill No. 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

Read a third time and passed.

Senate Bill No. 99 was laid on the table.

Senate Bill No. 113—An Act to appropriate money to pay certain claims.

Read a third time and passed to engrossment.

Senate Bill No. 161—An Act making the office of Sheriff of San Luis Obispo County a salaried office.

Referred to the Committee on State and County Revenue.

UNFINISHED BUSINESS.

Senate Bill No. 25—An Act to amend an Act to provide for a system of technical schools, approved March twenty-fourth, eighteen hundred and six—was taken from the calendar for debate.

The question pending at the adjournment on Tuesday, while the bill was under consideration, was on a report from the decision of the President and Cabinet on a letter signed by Mr. Pearce.

The question was answered by the President as follows:

"The question was on the indefinite postponement of the bill. The Senate refused to take any preliminary question. The question was answered from the table. 'Shall the bill be engrossed and read a third time?' Mr. Pearce raised the point of order that the refusal of the Senate to indefinitely postpone passed the bill to engrossment. The Chair decided the point of order not well taken."

On the question, such the decision of the President stood as the decision of the Senate; the yeas and nays were demanded by Messrs. Matthews, Hendrick and Johnson.

The vote was as follows:

Ayes—Messrs. Fanning, Heath, Bradley, Chappell, Cook, Frost, Freeman, Green, Harbo, Hardy, Hayes, Leonard, Martin, Matthews, McLaughlin, Merrill, Morse, Murphy, Pennington, Perry, Stevens, Sullivan, Ross, Sumner, Tappan, Wakefield, Watson—17.

Nays—Messrs. Brown, Hendrick, Johnson, Pearce, Pratt, Tread—6.

So the decision of the President was sustained.

In moving the bill engrossed, the yeas and nays were demanded by Messrs. Matthews, Frost and Johnson.

The vote was as follows:

Ayes—Messrs. Fanning, Heath, Bradley, Chappell, Cook, Green, Harbo, Hardy, Hendrick, Johnson, Morse, Pratt, Sullivan, Sullivan, Tappan, Tread, Wakefield, Watson—20.

Nays—Messrs. Frost, Freeman, Hayes, Leonard, Martin, Matthews, McLaughlin, Merrill, Murphy, Pearce, Pennington, Ross, Sumner—14.

So the bill was ordered engrossed.

MESSAGES FROM THE ASSEMBLY.

The rules were suspended on motion of Mr. Minor, for the following messages from the Assembly:

ASSEMBLY CHAMBER.

January 22d, 1868.

Mr. President—I am directed to inform your honorable body that the Assembly on this day, by unanimous consent, consented to Senate amendments to Assembly Bill No. 25—An Act to amend an Act to provide for a system of technical schools, approved March twenty-fourth, eighteen hundred and six—was taken from the calendar for debate.

County, and to run horse cars thereon, approved March third, eighteen hundred and sixty-six.

Also, on same day, amended and passed as amended, Senate Bill No. 81—An Act to prevent the destruction of fish in the waters of Napa River.

Also, on the eighteenth instant, passed Assembly Bill No. 196—An Act to authorize the construction of a wagon road from Lafayette, in Contra Costa County, to the boundary line of Alameda County, and to collect toll thereon.

Also, have had correctly engrossed Assembly No. 56, and return the same to the Senate.

W. S. BYRNE,
Assistant Clerk.

ASSEMBLY CHAMBER,
January 22d, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate amendment to Assembly concurrent resolution appropriating funds to defray the Inaugural expenses.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 56, above reported, was referred to Calaveras delegation.

Assembly Bill No. 196, above reported, was read first and second times and referred to Contra Costa and Alameda delegations.

The Senate concurred in Assembly amendments to Senate Bill No. 81, above reported.

Mr. Mandeville moved that the Senate recede from its amendments to Assembly Concurrent Resolution No. 16, above reported, in which the Assembly refused to concur.

Lost.

Mr. Mandeville moved that Messrs. Freeman, Heacock and Wolcott be appointed a Committee of Free Conference on the disagreeing vote of the two houses.

Mr. Hager moved that the rules be suspended and the President allowed to appoint such Committee.

Agreed to.

The Senate concurred in Assembly amendments to Senate Bill No. 81, above reported.

REPORTS.

The rules were suspended for the following reports:

Mr. Banning, from the Los Angeles delegation, presented the following report:

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 157, have had the same under consideration and recommend its passage.

BANNING, for Delegation.

Mr. Banning, from the Los Angeles delegation, also reported as follows :

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 136, have had the same under consideration and recommend its passage.

BANNING, for Delegation.

On motion of Mr. Beach, at thirty minutes past two o'clock P. M. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, January 23d, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Pratt had leave of absence granted him after to-day until Tuesday next.

REPORTS.

Mr. Tubbs, from the Finance Committee, reported as follows :

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 101—An Act for the relief of Joseph Craig, County Treasurer of Trinity County—report the same back and recommend that it be referred to the Committee on Claims.

TUBBS, Chairman.

Mr. Wadsworth, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, substitute for Senate Bill No. 17—An Act for the relief of debtors.

Also, Senate Bill No. 46—An Act concerning the office of Public Administrator in Marin County.

Also, substitute for Senate Bill No. 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Also, substitute for Senate Bill No. 78—An Act to authorize persons against whom judgment has been rendered upon a conviction for felony to testify as witnesses in certain cases.

Also, Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo.

Also, Senate Bill No. 111—An Act concerning hogs found running at large in the County of Mariposa.

Also, Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey.

WADSWORTH, Chairman.

Mr. Pearce, from the Sonoma delegation, had leave to make the following report :

MR. PRESIDENT: The Sonoma delegation, to whom was referred Assembly Bill No. 33, report that they have had the same under consideration, and recommend the passage of the bill.

PEARCE, for Delegation.

Mr. Hager, by leave, verbally reported back the petition of the Board of Managers of the Sacramento Orphan Asylum, heretofore referred to the San Francisco delegation.

Upon motion of Mr. Hager the petition was referred to the Finance Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 22d, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 120—An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court-house, approved March second, eighteen hundred and sixty-six.

Also, substitute for Senate Bill No. 22—An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz.

H. H. HAIGHT, Governor.

INTRODUCTION OF BILLS.

By leave, bills were introduced as follows :

By Mr. Beach—An Act to amend an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Yuba delegation.

By Mr. Green—An Act entitled an Act to authorize Cyrus Cheney and assigns to build and maintain a wharf in the San Joaquin River at Antioch.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Lawrence—An Act fixing the compensation of the Sheriff of Merced County for services as Jailer and providing for the payment of the same.

Read first and second times and placed on file.

By Mr. Conn (pursuant to previous notice)—An Act to grant to E. W. Champlin, William Caley, J. H. Stewart and others, the right to construct and maintain a wagon road in San Bernardino County.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Pendegast—An Act to authorize Henry C. Boggs and his associates to construct a turnpike road in Lake County.

Read first and second times and referred to the Napa delegation.

Also, an Act amendatory of an Act entitled an Act to authorize John Laidley and his associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred sixty-six.

Read first and second times and referred to Napa delegation.

By Mr. Murphy—An Act to carry out the provisions of an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six.

Read first and second times and referred to Committee on Finance.

By Mr. Chappell—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Shaw (pursuant to previous notice)—An Act for the better government of the State Prison and to relieve the Lieutenant-Governor from the duty of prison keeper.

Read first and second times and referred to Committee on State Prison and ordered printed.

REPORT.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 137—An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine—have had the same under consideration, report it back and recommend its passage.

MIZNER, Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Pearce introduced the following resolution:

Resolved by the Senate, That a committee of three be appointed by the Senate to inquire into and report to the Senate:

First—The actual amount of copying performed respectively by the Journal, Engrossing, Copying and Enrolling Clerks of the Senate per day and the cost thereof per folio.

Second—The whole amount of money paid for contingent expenses of the Senate during its last session, and the average cost per folio paid for copying at the last session of the Senate.

Third—The whole number of clerks now in the employment of the Senate and the whole amount of pay allowed therefor per day under existing laws.

Adopted.

Mr. Pendegast introduced a joint resolution relative to the Mendocino Indian Reservation.

Read first and second times and referred to the Committee on Public Lands.

On motion of Mr. Chappell, Senate Bill No. 101, reported by the Committee on Finance, was taken up and referred to the Committee on Claims.

REPORT.

Mr. Roberts, Chairman of the Committee on Federal Relations, had leave to make the following report:

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 28, relative to mail facilities between Sacramento and Princeton, would report the same back and recommend its adoption.

ROBERTS, Chairman.

SENATORIAL ELECTION.

Mr. Mizner offered a concurrent resolution authorizing the appointment of a committee of two from the Senate and three from the House, with power to send for persons and papers, to investigate the manner in which the late Senatorial election was conducted.

Mr. Pearce offered a concurrent resolution, as a substitute for the above offered by Mr. Mizner, which was accepted.

On the adoption of the substitute the ayes and noes were demanded by Messrs. Johnson, Pearce and Pendegast.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Ewer, Freeman, Green, Hager, Hardy, Heacock, Johnson, Lawrence, Lewis, Maclay, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Roberts, Robinson, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—29

NOES—Messrs. Banning, Hunter, Mandeville, McDougall, Pratt, Rose, Shaw—7.

So the substitute was adopted

Mr. Mandeville moved to amend by striking out the words "the Assembly concurring."

Lost.

Mr. Mandeville moved to make the resolution the special order for Saturday next, at half-past eleven o'clock A. M.

Lost.

On the adoption of the resolution the ayes and noes were demanded by Messrs. Johnson, Pearce and Lewis.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Conn, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lawrence, Lewis, Maclay,

Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Roberts, Robinson, Saunders, Teegarden, Tweed, Wadsworth, Wolcott—29.

NOES—Messrs. Banning, Mandeville, McDougall, Pratt, Rose, Shaw—6.

So the resolution was adopted.

On motion of Mr. Pendegast the Enrolling Clerk of the Senate was directed to correct a clerical error in Senate Bill No. 81.

Mr. Belden offered the following resolution :

Resolved, That the Senate Joint Committee upon charges of Senatorial corruption consist of Senators Pearce, Hager, Mizner and Johnson.

Adopted.

Mr. Teegarden moved to take from the table Assembly Bill No. 99 and place the same at top of the file for to-morrow.

So ordered.

ASSEMBLY MESSAGE.

On motion of Mr. Banning, an Assembly message was taken up, as follows :

ASSEMBLY CHAMBER,
January 23d, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the twenty-second day of January, eighteen hundred and sixty-eight, passed, with amendments, Senate Bill No. 33—An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Also, Senate Bill No. 34—An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Also, amended, and concurred in as amended, Senate Concurrent Resolution No. 41, directing the State Hospital Committees of each house, when they visit the State Reform School, to investigate and report upon the charges of cruelty and inhumanity preferred against the Superintendent of that institution by the Sacramento Union, in its issue of November sixteenth, eighteen hundred and sixty-seven.

Also, concurred in Senate Concurrent Resolution No. 42, instructing the Committees on State Hospitals to specially examine into and report to their respective houses upon certain subjects therein named.

I am also directed to return to the Senate, Assembly Bill No. 64, correctly engrossed.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

The amendments to Senate Bill No. 33, above reported, were concurred in.

The amendments to Senate Bill No. 34, above reported, were concurred in.

The amendments to Senate Concurrent Resolution No. 41, above reported, were concurred in.

GENERAL FILE.

On motion of Mr. Banning, the rules were suspended, and Assembly Bill No. 136 was taken up, out of its order on the file, read a third time and passed.

The resolution authorizing the appointment of an Assistant Journal Clerk was amended by striking out the word "six" and inserting the word "five," and the resolution adopted as amended.

Senate Bill No. 53—An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

Read a third time and passed.

Senate Bill No. 61—An Act for the relief of E. T. Spence, County Treasurer of Nevada County.

Read a third time and passed.

Senate Bill No. 65—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Read a third time and passed.

Senate Bill No. 126—An Act for the relief of B. W. Arnold.

The Senate refused to order the bill engrossed.

Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness.

Ordered engrossed.

Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Amended and ordered engrossed.

REPORT.

The rules were suspended, and Mr. Mizner had leave to make the following report :

Mr. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 40—An Act to authorize the corporate authorities of the town of Crescent City to locate the tide lands in front of said town—have had the same under consideration, agreed upon a substitute, report the bill and substitute back to the Senate, and recommend the passage of the substitute.

MIZNER, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

Recommitted to the Judiciary Committee.

Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt,

S. M. Curtis and others, to construct a lock on Cache Creek, at or near the outlet of Clear Lake, in Lake County.

Ordered engrossed.

Senate Bill No. 166—An Act to fix the compensation of the County Assessor of San Luis Obispo County.

Ordered engrossed.

Senate Bill No. 169—An Act to repeal sections twenty-eight and twenty-nine of an Act entitled an Act to provide for the sale of certain lands belonging to this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Referred to Judiciary Committee.

Senate Bill No. 125—An Act to amend an Act entitled an Act to protect sheep and Angora goats from the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

The question being the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Murphy, Murch and Pearce.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lawrence, Mizner, Perley, Roberts, Robinson, Rose, Teegarden, Tweed, Wolcott—21.

NOES—Messrs. Freeman, Lewis, Maclay, Mandeville, Murch, Murphy, Pearce, Pendegast, Shaw—9.

So the bill was indefinitely postponed.

Mr. Pendegast gave notice that he would on to-morrow move to reconsider the vote whereby the Senate on this day refused to order engrossed Senate Bill No. 126.

Mr. Murphy also gave notice that he would on to-morrow move to reconsider the vote whereby the Senate ordered engrossed Senate Bill No. 166.

At three o'clock and forty minutes p. m. the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Friday, January 24th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITION.

Mr. Mandeville presented a petition of citizens of Tuolumne, praying the repeal of all laws known as Sunday laws.

Referred to the Committee on Public Morals.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Also, Senate Bill No. 113—An Act to appropriate money to pay certain claims.

WADSWORTH, Chairman.

Mr. Robinson, Chairman of the Committee on Education, reported as follows:

MR. PRESIDENT: The Committee on Education, to whom was referred Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges—have duly considered the same and ask leave to report the bill back with an amendment, and recommend its passage as amended.

ROBINSON, Chairman.

Mr. Conn, from the San Bernardino delegation, reported as follows:

MR. PRESIDENT: The delegation from San Bernardino, to whom was referred Assembly Bill No. 63—An Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino and to define their duties, approved February eighteenth, eighteen hundred and sixty-four, and to make the same applicable to San Antonio Creek, in Los Angeles County—beg leave to report that the bill assumes a boundary line between the Counties of San Bernardino and Los Angeles not as defined by law, and that the operation of the bill would interfere with vested rights in San Bernardino County. The bill is therefore returned with the recommendation that it do not pass.

CONN, for Delegation.

Mr. Conn, for the San Diego delegation, reported as follows:

MR. PRESIDENT: The delegation from San Diego, to whom was referred Assembly Bill No. 103—An Act authorizing the construction of a wharf at New San Diego, in the County of San Diego—beg leave to report that the bill has been duly considered and that its passage is recommended. Also, that the Secretary of the Senate be instructed to change the letter "C" to "S" in the name in the title of the bill, to make it conform to the bill.

CONN, for Delegation.

COMMITTEE OF CONFERENCE.

The President announced the appointment of the following Committee of Conference on disagreeing vote between the Senate and Assembly on Inaugural expenses :

Senators Mandeville, Beach and Wolcott.

REPORTS.

Mr. Mandeville verbally reported Assembly Bills Nos. 5 and 6, recommending the passage of each bill.

Mr. Morrill, from the Calaveras delegation, made the following report :

MR. PRESIDENT: Your Committee, to whom was referred Assembly Bill No 56—An Act entitled an Act to reduce the salary of the County Judge of Calaveras County—having considered the same, beg leave to return it and recommend its indefinite postponement.

MORRILL, for Delegation.

Mr. Teegarden, from the Yuba delegation, verbally reported Senate Bill No. 172, concerning the collection of revenue in the County of Yuba, recommending its passage.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lawrence—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Heacock—An Act to amend the Act passed April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State.

Read first and second times and referred to Judiciary Committee, and ordered printed.

By Mr. Kincaid—An Act to provide for the payment of grand jurors in the County of San Mateo.

Read first and second times and referred to the San Mateo delegation.

By Mr. Mureh—An Act to exempt certain counties from the provisions of an Act entitled an Act to protect sheep, Cashmere and Angora goats against the ravages of dogs, approved March, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Hager—An Act to establish the office of State Shipping Commissioners for the Port of San Francisco and to regulate the duties thereof, with a memorial of citizens and ship captains in the Port of San Francisco.

Read first and second times and referred to Committee on Commerce and Navigation.

Also, an Act to authorize the Board of State Harbor Commissioners

to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease, with a memorial on that proposition.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Saunders—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street, between Brannan and King streets, in said city and county.

Read first and second times and referred to San Francisco delegation.

Also, an Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish the grades of streets and avenues in certain districts in said city and county.

Read first and second times and referred to the San Francisco delegation.

NOTICE.

Mr. Maclay gave notice that he would introduce a bill requiring all banks, both public and private, to make an exhibit of all uncalled for deposits and dividends, and publish the same.

RULES SUSPENDED.

On motion of Mr. Belden, the rules being suspended, twice the usual number of copies of Senate Bill No. 122, concerning the registration of voters in this State, were ordered to be printed.

The rules were again suspended, and on motion of Mr. Wadsworth, the Senate took up and adopted a resolution heretofore reported by the Committee on Contingent Expenses for the payment of certain bills and accounts.

The rules were also suspended for the introduction of a bill, as follows:

By Mr. Lewis—An Act to amend an Act entitled an Act to regulate the salaries and compensation of certain officers in the County of Tehama.

Read first and second times and placed on file.

RESOLUTIONS.

Resolutions amendatory of the Standing Rules of the Senate were offered and laid over one day, under the present rules, as follows:

By Mr. Roberts—An amendment providing for a daily recess, and relative to the consideration of the general file, and fixing the hour of adjournment daily at five o'clock P. M.

By Mr. Robinson—Providing for a daily recess at one o'clock P. M.

Also, for an additional rule to the Standing Rules of the Senate.

GENERAL FILE.

Assembly Bill No. 99—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two.

Read third time and passed.

Substitute for Senate Bill No. 17—An Act for the relief of debtors.

Read third time and passed.

Senate Bill No. 46—An Act concerning the office of Public Administrator in Marin County.

Read third time and passed.

Substitute for Senate Bill No. 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Mr. Shaw proposed to recommit the bill with the following special instructions: "To frame a bill that all persons shall be competent witnesses in any Court in this State except insane persons; and also to insert the word 'charged' after the word 'offence,' in the first section."

Lost

Mr. Pearce offered the following further instructions: "To insert the word 'charged' after the word 'offence,' in the first section."

Lost.

On the passage of the bill the ayes and noes were demanded by Messrs. Pearce, Murphy, and Lawrence.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conly, Conn, Ewer, Green, Hager, Hardy, Heacock, Johnson, Kineaid, Lewis, Maclay, McDougall, Mizner, Murch, Murphy, Perley, Roberts, Robinson, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—28.

NOES—Messrs. Belden, Freeman, Hunter, Lawrence, Pearce, Rose—6.

So the bill was passed.

Substitute for Senate Bill No. 78—An Act to authorize persons against whom judgment has been rendered upon a conviction for felony to testify as witnesses in certain cases.

Read third time and passed.

Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo.

Mr. Pearce moved to recommit the bill with the following instruction: "To strike out the words 'enlarge it,' in section third."

The motion was lost and the bill read third time and passed.

Senate Bill No. 111—An Act concerning hogs found running at large in the County of Mariposa.

Read third time and passed.

Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey.

Read third time and passed.

Senate Bill No. 146—An Act to furnish the public streets and highways with shade trees.

Made the special order of the day for Friday, January thirty-first, at half-past eleven o'clock A. M.

A resolution to pay A. A. Delong fifty-six dollars for services as clerk to the Sergeant-at-Arms was adopted.

AMENDMENT OF THE RULES.

The following amendment to rule twenty-four of the Standing Rules of the Senate, was offered by Mr. Hager:

"The decision of a motion in the negative shall not have the effect to pass a bill to its next stage."

On the adoption of the amendment the ayes and noes were demanded by Messrs. Hager, Pendegast and Wadsworth.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conly, Conn, Freeman, Hager, Hardy, Heacock, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—30.

NOES—Messrs. Belden, Green, Johnson, Pearce—4.

So the amendment was adopted.

On motion of Mr. Perley, the consideration of Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers for rafting logs and timber—the special order of the day, was continued for Friday, February fourteenth, at two o'clock P. M.

RECONSIDERATION.

Pursuant to notice, Mr. Pendegast moved to reconsider the vote whereby the Senate yesterday refused to order engrossed Senate Bill No. 126—An Act for the relief of B. W. Arnold.

The ayes and noes were demanded by Messrs. Pendegast, Lewis and Belden.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Conn, Freeman, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Murphy, Pendegast, Rose, Shaw, Tweed, Wadsworth—20.

NOES—Messrs. Beach, Bradley, Ewer, Green, Hager, Hardy, Morrill, Murch, Pearce, Perley, Roberts, Robinson, Saunders, Teegarden, Tubbs, Wolcott—16.

So the motion was carried and the vote reconsidered.

The bill was amended, and the question again recurring on the engrossment of the bill, the ayes and noes were demanded by Messrs. Pendegast, Lewis and Belden.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Conn, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Murphy, Pendegast, Rose, Tweed, Wadsworth—17.

NOES—Messrs. Beach, Bradley, Ewer, Green, Hager, Hardy, Mizner, Morrill, Murch, Pearce, Perley, Roberts, Robinson, Saunders, Shaw, Teegarden, Tubbs, Wolcott—18.

So the Senate refused to order the bill engrossed.

GENERAL FILE RESUMED.

Assembly Bill No. 157, concerning county records of Los Angeles County, was taken from the file and referred to Judiciary Committee.

Assembly Bill No. 33, concerning a toll road in Mendocino County, was taken from file and referred to Committee on Roads and Highways.

Senate Bill No. 137—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Taken from the file and referred to the Committee on Commerce and Navigation.

Senate Bill No. 40—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said own.

Substitute reported and adopted, and bill ordered engrossed.

Assembly Concurrent Resolution No. 28, relative to applying to Congress for mail facilities between Sacramento and Princeton.

Adopted.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness.

WADSWORTH, Chairman.

GENERAL FILE RESUMED.

Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as jailer, and providing for the payment of the same.

Ordered engrossed.

MESSAGE FROM THE ASSEMBLY.

The rules were suspended, and the following message from the Assembly was read :

ASSEMBLY CHAMBER,
January 24th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on yesterday passed the following bills:

Assembly Bill No. 120 (substitute for Assembly Bill No. 44)—An Act to limit the hours of labor.

Also, Assembly Concurrent Resolution No. 29, respecting a proposed Act of Congress for the establishment of a National School of Mines.

Also, Assembly Bill No. 238 (substitute for Senate Bill No. 100)—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon.

Also, Assembly Bill No. 156 (substitute for Assembly Bill No. 18)—An Act concerning assessment rolls and other official proceedings to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors and defects therein.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 120, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Concurrent Resolution No. 29, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 238, above reported, was read first and second times, rules suspended, read third time and passed.

Assembly Bill No. 156, above reported, was read first and second times and referred to Finance Committee.

On motion of Mr. Murphy, the Senate reconsidered the vote whereby Assembly Bill No. 166 was ordered engrossed, and the bill was recommitted to Santa Barbara delegation.

On motion of Mr. Murch, at two o'clock and forty minutes p. m., the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

 IN SENATE.

SENATE CHAMBER,
Saturday, January 25th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Maclay had leave of absence until Tuesday next.

REPORTS.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 126—An Act relating to homesteads—have had the same under consideration, report the same back with an amendment and recommend its passage as amended.

Also, Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty—report the same back with amendments and recommend its passage as amended.

Also, Assembly Bill No. 67—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County, and make the County Clerk ex-officio Recorder, approved March thirty-first, eighteen

hundred and sixty-six—report the same back with a substitute and recommend the adoption of the substitute.

BELDEN, Chairman.

Mr. Bradley, Chairman of the Committee on Counties, made the following report:

MR. PRESIDENT: The Committee on Counties, to whom was referred Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin—report the same back with an amendment and recommend its passage as amended.

BRADLEY, Chairman.

Mr. Robinson, Chairman of the Committee on Elections, made the following report:

MR. PRESIDENT: The Committee on Elections, to whom was referred Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress—have had the same under consideration and recommend its passage.

Also, have duly considered Senate Bill No. 162—An Act to provide for choosing Electors of President and Vice President of the United States—and recommend its passage.

ROBINSON, Chairman.

Mr. Pendegast, from the Napa and Lake delegation, made the following report:

MR. PRESIDENT: The Napa and Lake delegation, to whom was referred Senate Bill No. 177—An Act amendatory of an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties—have had the same under consideration and report the same back and recommend its passage.

Also, beg leave to report back Senate Bill No. 176—An Act to authorize Henry C. Boggs and his associates to construct a turnpike road in Lake County—with a recommendation that the bill pass.

PENDEGAST, for Delegation.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without previous notice, as follows:

By Mr. Lewis—An Act for the relief of the sureties on the bond of Allen Hall.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tweed—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee.

Also, an Act amendatory of and supplementary to an Act entitled an

Act to regulate the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to Judiciary Committee.

By Mr. Lawrence—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment of all the legal voters thereof, and for the prosecution and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Read first and second times and referred to Judiciary Committee, and ordered printed.

By Mr. Pendegast—An Act to authorize D. W. McCallum and Charles M. Hargrave to construct a toll bridge in Mendocino County.

Read first and second times and referred to Mendocino delegation.

Also, an Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad, wharf and toll bridge in Mendocino County.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Murphy—An Act to amend an Act entitled an Act to incorporate the town of Santa Barbara, approved February tenth, eighteen hundred and fifty-four.

Read first and second times and referred to Committee on Corporations.

Mr. Johnson offered a proposition to amend Number One of the Standing Rules, changing the hour of meeting from eleven o'clock to ten o'clock A. M.

Laid over.

REPORTS.

The rules were suspended for the following reports:

Mr. Tweed, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Concurrent Resolution No. 31, have had the same under consideration and recommend its adoption.

TWEED, Chairman.

Mr. Tweed, from the Committee on Corporations, reported as follows:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bills Nos. 96 and 142, have had the same under consideration and ask leave to report the same and recommend their reference to the Judiciary Committee.

TWEED, for Committee.

The bills above reported were severally referred as recommended.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Murch, it was resolved that Martin Rowan should be appointed Assistant at the Clerk's desk at the per diem allowed Copying Clerks, to perform the duties of Minute Clerk until such time as the Minute Clerk shall be able to resume the duties of his office—said appointment to date from January eighteenth, eighteen hundred and sixty eight, and the per diem to be paid out of the Contingent Fund of the Senate.

On motion of Mr. Roberts, the Minute Clerk was allowed one week's leave of absence.

On motion of Mr. Conn, Assembly Bill No. 64 was taken up and referred to the Committee on Commerce and Navigation.

Mr. McDougall asked a suspension of the rules in order to take up Assembly Bill No. 67 from the Judiciary Committee report and consider it now.

The ayes and noes were demanded by Messrs. Mandeville, Conn and Bradley.

The vote was as follows :

AYES—Messrs. Banning, Beach, Chappell, Conly, Conn, Ewer, Freeman, Hardy, Hunter, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Murphy, Pearce, Pendegast, Perley, Rose, Saunders, Teegarden—21

NOES—Messrs. Belden, Bradley, Green, Hager, Heacock, Johnson, Mizner, Murch, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—14.

So the Senate refused to suspend the rules.

Mr. Rose moved that when the Senate adjourn this day it adjourn till Tuesday next at one o'clock P. M.

The ayes and noes were demanded by Messrs. Mizner, Tweed and Rose.

The vote was as follows :

AYES—Messrs. Banning, Belden, Conly, Conn, Freeman, Hager, Hardy, Heacock, Kincaid, Lewis, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Robinson, Rose, Saunders, Tubbs, Wolcott—21.

NOES—Messrs. Beach, Bradley, Chappell, Green, Hunter, Johnson, Lawrence, Mizner, Murch, Pearce, Roberts, Teegarden, Tweed, Wadsworth—14.

So the motion was carried.

Mr. Ewer reported verbally, recommending the passage of Assembly Bill No. 171.

GENERAL FILE.

Senate Bill No. 20—An Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

On the passage of the bill the ayes and noes were demanded by Messrs. Mandeville, Rose and Murphy.

The vote was as follows :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conn, Green, Hager, Hardy, Heacock, Johnson, Kincaid, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—21.

NOES—Messrs. Ewer, Freeman, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders—15.

So the bill passed.

Senate Bill No. 113—An Act to appropriate money to pay certain claims.

Read third time and passed.

Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness.

Read third time and passed.

REPORT.

Mr. Wadsworth, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, L. M. Curtis and others, to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County.

Also, Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 166—An Act to fix the compensation of the County Assessor of San Luis Obispo County.

Also, substitute for Senate Bill No. 40—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said town.

WADSWORTH, Chairman.

PETITIONS.

The rules were suspended and Mr. Rose had leave to present two petitions from citizens of Amador County concerning a law in regard to hogs.

Laid on table.

GENERAL FILE RESUMED.

Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges.

Amendments reported and adopted, and bill ordered engrossed.

Assembly Bill No. 103—An Act authorizing the construction of a wharf at New San Diego, in the County of San Diego, by Stephen C. Culverwell and others.

Read third time and passed.

Assembly Bill No. 63—An Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino and to define their duties, approved February eighteenth, eighteen hundred and sixty-four, and to make the same applicable to San Antonio Creek in Los Angeles County.

Indefinitely postponed.

Assembly Bill No. 5—An Act to amend an Act entitled an Act to create the County of Inyo, and to define its boundaries and to provide for its

organization, approved March twenty-second, eighteen hundred and sixty-six.

On the passage of the bill the ayes and noes were demanded by Messrs. Mandeville, Lawrence and Freeman.

The vote was as follows:

AYES—Messrs. Banning, Freeman, Green, Hunter, Lawrence, Lewis, Mandeville, McDougall, Morrill, Pendegast, Rose, Saunders—12.

NOES—Messrs. Beach, Belden, Bradley, Ewer, Heacock, Johnson, Mizner, Murch, Pearce, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—17.

So the Senate refused to pass the bill.

Mr. Johnson gave notice of a motion to reconsider.

Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County, and for other purposes.

Referred to the Committee on State and County Revenue.

On motion of Mr. Pendegast, Senate Bills Nos. 96 and 110 were made the special order for Thursday next at eleven o'clock A. M.

On motion of Mr. Perley, at one o'clock and five minutes the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Tuesday, January 28th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Messrs. Shaw and Tweed were each granted leave of absence for one day.

MEMORIAL.

Mr. Perley presented a memorial prepared by the Committee appointed by the Pioneer Silk Growers and Manufacturers' Association of California, relative to protection and encouragement to be given to the producers of silk.

On motion of Mr. Robinson, twice the usual number of copies were ordered printed and the memorial was referred to the Committee on Agriculture.

REPORTS.

Mr. Murch, from the Committee on Enrolment, reported as follows:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 81—An Act to prevent the destruction of fish in the waters of the Napa River; and this day at ten o'clock and forty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges.

Also, Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as jailer, and providing for the payment of the same.

WADSWORTH, Chairman.

Mr. Kincaid, from the San Mateo delegation, made the following report:

Mr. PRESIDENT: The undersigned, delegation of San Mateo County, to whom was referred Senate Bill No. 183, would respectfully report the same back and recommend its passage.

KINCAID, for Delegation.

Mr. Pendegast, from the Mendocino delegation, made the following report:

Mr. PRESIDENT: The Mendocino delegation beg leave to report that they have had Senate Bill No. 193—An Act to authorize D. W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County—under consideration, and report the same back with an amendment and recommend its passage as amended.

PENDEGAST, for Delegation.

Mr. Curtis presented a report and voluminous testimony adduced before the Joint Committee appointed to investigate the affairs and proceedings of the Board of State Harbor Commissioners.

On motion of Mr. Hager, the report and accompanying documents were referred to the Joint Committee on Printing, with instructions to order printed such portion of said documents as they may deem necessary for the information of the public.

Also, on motion of Mr. Hager, the Assembly was informed of the action taken by the Senate.

Mr. Saunders presented a report from the San Francisco delegation on Assembly Bill No. 171, recommending certain amendments and the passage of the bill.

Mr. Mandeville, from the Committee of Conference on the disagreeing vote of the two houses on Assembly Concurrent Resolution No. 16, reported as follows:

Mr. PRESIDENT: The Committee of Conference, to whom was referred the disagreeing vote of the two houses on Assembly Concurrent Resolu-

tion No. 16, appropriating funds to defray the Inaugural expenses, have had the same under consideration and agree to the following report :

Strike out in line five of the resolution, "six hundred and fifty dollars" and insert "three hundred and fifty dollars."

Items.	Amounts.
Powder, flannel, etc.....	\$ 84 00
Gunners.....	24 00
Six-horse carriage.....	25 00
Four-horse carriage.....	20 00
Five two-horse carriages.....	50 00
Music.....	100 00
Hay and labor.....	47 00
Total.....	\$350 00

MANDEVILLE, for Senate Committee.
WATSON, for Assembly Committee.

Mr. Johnson, from the El Dorado delegation, reported as follows :

Mr. PRESIDENT: The El Dorado delegation, to whom was referred Assembly Bill No. 138—An Act to amend an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six—report the same back and recommend its passage.

JOHNSON, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 28th, 1868. }

To the Senate of the State of California :

I herewith transmit to your honorable body the report of the Trustees of the State Burial Ground. The Trustees, to whom the long term was assigned, Messrs. I. N. Davis and J. Madden, have tendered their resignations, and under the provisions of the Act of April second, eighteen hundred and sixty-six, it will be necessary for the Legislature in joint convention to elect four trustees, designating two for the vacancy and two for the full term.

I am not advised of the amount of the claim of Mr. S. D. Smith, but recommend that provision be made for its examination and adjustment, and also that a small fund be provided for the care of the grounds.

As there is but one copy of the report, I respectfully ask that the Assembly be informed of its reception.

H. H. HAIGHT, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
January 25th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on yesterday passed Senate Bill No. 98—An Act supplementary to an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 183—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Also, Assembly Bill No. 141 (substitute for Senate Bill No. 13)—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments.

Also, Assembly Bill No. 38—An Act to give grand and trial jurors mileage in the Counties of Marin and Santa Cruz.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 38, above reported, was read first and second times and placed on file.

Assembly Bill No. 183, above reported, was read first and second times and referred to the Finance Committee.

Assembly Bill No. 141, above reported, was ordered to be returned to the Assembly for proper indorsement.

LEAVE OF ABSENCE.

The rules were suspended, and Mr. Murphy was granted leave of absence until Friday.

REPORT.

The rules being suspended, Mr. Hardy, Chairman of the Committee on Mines, made following report:

Mr. PRESIDENT: The Committee on Mines report that Assembly Concurrent Resolution No. 29 has been examined and its passage recommended.

HARDY, Chairman.

INTRODUCTION OF BILLS.

By leave, bills were introduced as follows :

By Mr. Roberts—An Act to amend an Act entitled an Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-four, and all Acts amendatory thereof or supplementary thereto.

Read first and second times and referred to the Committee on Printing.

Also, An Act to amend an Act entitled an Act concerning the office of Secretary of State.

Read first and second times and referred to the Committee on Printing.

By Mr. Lewis—An Act to reorganize the Board of Supervisors in and for the County of Tehama and to define their powers and duties.

Read first and second times and placed on file.

By Mr. Mizner—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Pendegast—An Act to amend an Act concerning ferries and toll bridges.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Mizner—An Act to amend an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act in relation to the office of Sheriff of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to amend an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and for other purposes.

Read first and second times and referred to the San Francisco delegation.

NOTICES.

Mr. Lewis gave notice that he would introduce an Act to legalize the tax levy made by the Board of Supervisors of Tehama County during the year of eighteen hundred and sixty-seven.

Mr. Heacock gave notice that he would introduce a bill to provide for the grading and construction of sewers in the public alleys of the City of Sacramento.

Also, a bill to provide for grading the grounds around the State Capitol building, in the City of Sacramento and making an appropriation therefor.

RESOLUTIONS.

Mr. Pendegast offered a joint resolution relative to railroad lands.

Read first and second times and referred to the Committee on Public Lands.

Mr. Mizner offered the following resolution, which was adopted :

Resolved, That the Committee on Military Affairs be authorized to appoint a clerk at the per diem allowed by law, not to exceed in all ten days.

GENERAL FILE.

Assembly Bill No. 56—An Act to reduce the salary of the County Judge of Calaveras County.

Indefinitely postponed.

Senate Bill No. 181—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

The rules were suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 172—An Act to amend an Act entitled an Act concerning the assessment and collection of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Ordered engrossed.

Senate Bill No. 184—An Act to exempt certain counties from the provisions of an Act entitled an Act to protect sheep. Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Mr. Freeman moved to amend by adding to the bill the counties of Fresno, Kern and Tulare.

Lost.

On motion of Mr. Mizner, the bill was referred to the Judiciary Committee.

Senate Bill No. 189—An Act to amend an Act entitled an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Amended and referred to the Tehama delegation.

A resolution to amend certain Standing Rules of the Senate, offered by Mr. Roberts, and a resolution providing for a daily recess of the Senate, offered by Mr. Robinson, were severally taken from the file and laid on the table.

A resolution offered by Mr. Robinson, making an addition to the Standing Rules of the Senate, coming up in its order on the file, a motion was made that it be laid on the table.

The President declared the motion carried.

After the decision of the President, Mr. Robinson, standing in his place, demanded the ayes and noes.

The President declared the demand out of order, inasmuch as the decision of the Chair had been announced.

Mr. Robinson raised a point of order, that a question should be put to the Senate in the parliamentary form laid down by Cushing and Jeffer-

son : "The ayes seem to have it ; or, the noes seem to have it"—before the decision of the Chair is announced.

The President decided the point of order well taken.

Pending further action on the resolution, Mr. Mandeville moved to adjourn.

The ayes and noes were demanded by Messrs. Roberts, Perley and Lewis :

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Conly, Freeman, Green, Hunter, Kincaid, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Saunders, Wadsworth, Wolcott—18.

NOES—Messrs. Chappell, Curtis, Ewer, Hager, Hardy, Heacock, Johnson, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Teegarden, Tubbs—16.

Accordingly, at three o'clock and thirty minutes p. m. the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Wednesday, January 29th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County—have had the same under consideration, report it back and recommend its passage.

BELDEN, Chairman.

Mr. Lewis made the following report :

Mr. PRESIDENT: The special committee to whom was referred Senate Bill No. 189—has had the same under consideration and begs leave to

report the same back with a substitute, and recommend the passage of the substitute.

LEWIS, Committee.

Mr. Lewis moved a suspension of the rules to consider the bill above reported now.

The Senate refused to suspend its rules.

Mr. Hager, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The San Francisco delegation respectfully report back Senate Bill No. 99, with a substitute, and recommend the passage of the substitute.

HAGER, for Delegation.

Mr. Murch, from the Committee on Enrolment, reported as follows :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 34—An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad, in the County of Los Angeles, and to provide for the payment of the same and other matters relating thereto; and this day at eleven o'clock A. M. presented the same to the Governor for his approval.

MURCH, Chairman.

MESSAGES FROM THE ASSEMBLY

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
January 28th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on yesterday passed the following bills:

Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf at Horton's Addition, in New San Diego, in the County of San Diego.

Also, Senate Bill No. 128—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 132—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

Also, Assembly Concurrent Resolution No. 27, relative to the establishment of a mail route from Weaverville, in Trinity County, to Hydesville, in Humboldt County.

Also, Assembly Concurrent Resolution No. 24, concerning a tri-weekly mail from Eureka to Petrolia, in Humboldt County.

Also, Assembly Concurrent Resolution No. 23, concerning a daily mail to Arcata, in Humboldt County, via Hydesville, Rohnerville and Eureka, from Petaluma.

Also, Assembly Concurrent Resolution No. 33 (substitute for Assembly Concurrent Resolution No. 7), concerning bounty due the men

composing the First Battalion of Mountaineers, California Volunteer Infantry.

Also, Assembly Bill No. 164—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works.

Also, Assembly Bill No. 89—An Act to provide for the more certain execution of express trusts in the case of the death of the last surviving trustee.

Also, Assembly Bill No. 218—An Act to amend an Act dividing the State into counties and establishing the seats of justice therein, passed April fifteenth, eighteen hundred and fifty-one.

Also, Assembly No. 206 (substitute for Assembly Bill No. 184)—An Act to provide for the issuance of duplicates of Controller's and other warrants when the originals have been lost or destroyed.

Also, Assembly Bill No. 239 (substitute for Assembly Bill No. 108)—An Act for the relief of T. A. Brady.

Also, Assembly Bill No. 162—An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line or lines of telegraph in this State between the town of San Mateo, in San Mateo County, and the town of Pescadero, in Santa Cruz County.

Also, Assembly Concurrent Resolution No. 9, relative to paying the claim of John Cunningham.

Also, Senate Bill No. 115—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles, now existing in the form of County Auditor's warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same.

Also, Senate Bill No. 65—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Also, Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo.

Also, Assembly Bill No. 205 (substitute for Assembly Bill No. 52)—An Act to authorize Titus Hale, Austin Walrath, William McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the City of Monterey to the Rancho Natividad, and to construct a wharf at the City of Monterey.

Also, Assembly Bill No. 143—An Act to authorize the Controller of State to credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses.

Also, Assembly Bill No. 126—An Act to authorize the Sheriff of the City and County of San Francisco to appoint porters for the City Hall in said city and county.

Also, Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six.

Also, Assembly Bill No. 55—An Act concerning the office of County Clerk of the City and County of San Francisco.

Also, Assembly Bill No. 23—An Act in relation to the office of Assessor of the City and County of San Francisco.

Also, Assembly Bill No. 121 (substitute for Assembly Bills Nos. 3, 8 and 94)—An Act to repeal certain statutes requiring political or other test oaths.

Also, substitute for Assembly Bill No. 79—An Act to authorize the

County Judges and Probate Judges of this State to hold terms or parts of terms of the County Court and Probate Court in counties other than those for which they were respectively elected.

Also, Senate substitute for Assembly Bill No. 110—An Act for the relief of Henry N. Morse, Sheriff of the County of Alameda.

Also, Senate Bill No. 17—An Act for the relief of debtors.

Also, Senate Bill No. 46—An Act concerning the office of Public Administrator in Marin County.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
January 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 36, in relation to printing report of Committee appointed to investigate affairs of State Harbor Commissioners.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Substitute for Assembly Bill No. 79, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 89, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 121, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 139, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 141, with a substitute, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 23, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 55, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 126, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 38, above reported, was read first and second times and referred to the Marin delegation.

Assembly Bill No. 143, above reported, was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 162, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 164, above reported, was read first and second times.

Mr. Pearce moved to refer the bill to the Judiciary Committee.

The ayes and noes were demanded by Messrs. Hager, Kincaid and Hunter.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Johnson, Mizner, Murch, Pearce, Perley, Pratt, Roberts, Robinson, Teegarden, Wadsworth, Wolcott—19.

NOES—Messrs. Banning, Conly, Conn, Curtis, Freeman, Hager, Hun-

ter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Pendegast, Rose, Saunders, Shaw, Tubbs—19.

The President, exercising his constitutional privilege, voted no, and declared the motion lost.

Mr. Pearce moved to refer the bill to the Committee on Public Lands. The ayes and noes were demanded by Messrs. Mizner, Pearce and Robinson.

The vote was as follows :

AYES—Messrs. Banning, Beach, Bradley, Ewer, Freeman, Green, Hardy, Heacock, Mizner, Murch, Pearce, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—18.

NOES—Messrs. Belden, Chappell, Conly, Conn, Curtis, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Pendegast, Perley, Rose, Saunders, Shaw—20.

So the motion was lost.

The bill was then referred to the San Francisco delegation.

The further consideration of Assembly messages was interrupted by the arrival of the time for the consideration of the

GENERAL FILE.

Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis, and others, to construct a lock on Cache Creek, at or near the outlet of Clear Lake, in Lake County.

Mr. Mizner moved to recommit the bill with special instructions.

The motion was lost, and the bill was read a third time and passed.

Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

On motion of Mr. Curtis the bill was made the special order for tomorrow at half-past eleven o'clock A. M.

Substitute for Senate Bill No. 40—An Act to authorize the corporate authorities of the town of Crescent City to locate the tide lands in front of said town.

Read a third time and passed.

Senate Bill No. 26—An Act relating to homesteads.

Amendment reported and adopted and bill ordered engrossed.

Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

The reported amendments were adopted, and on the passage of the bill the ayes and noes were demanded by Messrs. Lewis, Roberts and Heacock.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conn, Ewer, Hager, Hardy, Heacock, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Pearce, Pendegast, Perley, Roberts, Robinson, Shaw, Teegarden, Wadsworth—24.

NOES—Messrs. Banning, Beach, Bradley, Conly, Curtis, Freeman, Green, Hunter, Lewis, Pratt, Rose, Saunders, Tubbs, Wolcott—12.

So the bill was passed.

The amendment to the title of the bill reported by the Committee was adopted.

Assembly Bill No. 67—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six.

Continued on file.

Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

Referred to delegations from San Francisco, Alameda and Marin.

Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress.

Mr. Robinson moved to continue the bill on the general file.

Lost.

On ordering the bill engrossed for a third reading, the ayes and noes were demanded by Messrs Mandeville, Johnson and Conn.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Lewis, Mizner, Murch, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Teegarden, Wadsworth, Wolcott—23.

NOES—Messrs. Banning, Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Mandeville, McDougall, Morrill, Shaw—12.

So the bill was ordered engrossed.

Senate Bill No. 162—An Act to provide for choosing the Electors of President and Vice President of the United States.

Mr. Mandeville moved to make the bill the special order of the day for Monday next at 2 o'clock P. M., and order it printed.

Carried.

Senate Bill No. 176—An Act to authorize Henry C. Boggs and his associates to construct a turnpike road in Lake County.

Referred to the Judiciary Committee.

Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six.

Continued on file.

Assembly Concurrent Resolution No. 31, requesting the Attorney-General to examine the plats of survey in the office of the United States Surveyor-General.

Title amended and the resolution adopted.

Mr. Banning moved to suspend the rules and take Senate Bill No. 90 from unfinished business.

Lost.

On motion of Mr. Ewer, Senate Bill No. 171 was taken from the table and referred to the Judiciary Committee.

Assembly Bill No. 171—An Act to authorize the Board of Supervisors of the County of Trinity to release the County Treasurer of said county from the payment of certain moneys.

Read a third time and passed.

Pending consideration of an amendment offered by Mr. Johnson, to

change the hour of meeting, at the hour of two o'clock the Senate resumed consideration of bills reported in messages from the Assembly.

Mr. Lewis moved to suspend the rules and continue consideration of the general file.

The ayes and noes were demanded by Messrs. Hager, Lewis and Pendegast.

The vote was as follows :

AYES—Messrs. Beach, Conly, Conn, Freeman, Green, Hager, Hardy, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Pendegast, Saunders, Teegarden, Tubbs, Tweed, Wolcott—21.

NOES—Messrs. Banning, Bradley, Curtis, Ewer, Heacock, McDougall, Mizner, Murch, Pearce, Perley, Roberts, Robinson, Rose, Wadsworth—14.

So the motion was lost, not two thirds voting in the affirmative.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 218, above reported, was read first and second times and placed on file.

Assembly Bill No. 205, above reported, was read first and second times and referred to Committee on Commerce and Navigation.

Assembly Bill No. 206, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 239, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Concurrent Resolution No. 27, above reported, was placed on file.

Assembly Concurrent Resolution No. 23, above reported, was placed on file.

Assembly Concurrent Resolution No. 24, above reported, was placed on file.

In Assembly Concurrent Resolution No. 9, above reported, the Senate refused to concur.

Mr. Mandeville gave notice of a motion to reconsider the vote refusing concurrence.

INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows :

By Mr. Mizner—An Act to amend an Act entitled an Act to ascertain and correct the errors and defects of the statute laws of this State, approved April nineteenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to amend an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to Judiciary Committee.

By Mr. Johnson—An Act to appropriate money to pay the outstanding Indian War bonds issued by the State of California under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Read first and second times and referred to Committee on Claims.

By Mr. Perley—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Tuolumne River, approved March seventeenth, eighteen hundred and sixty-six.

Read first and second times and referred to Committee on Commerce and Navigation.

By Mr. Roberts—An Act to create the County of Alta and to define its boundaries and to provide for its organization.

Read first and second times and, with sundry petitions, referred to the Committee on Counties and County Boundaries.

RESOLUTIONS.

Mr. Rose offered the following joint resolution :

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress are instructed, and our Representatives requested, to procure the establishment of a daily mail route from Latrobe, in El Dorado County, to Ione City, in Amador County, and the establishment of a Post Office on said mail route at Lamb's Bridge, in said Amador County.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our delegation in Congress.

Read first and second times and placed on file.

Mr. Curtis, from the Joint Committee appointed to investigate the affairs of the State Harbor Commission, reported a concurrent resolution awarding certain sums for sundry expenses incurred by the Committee.

Mr. Mizner moved to strike out an item of sixty-four dollars and fifty cents allowed the Assistant Sergeant-at-Arms for serving subpoenas.

Adopted.

Mr. Lewis moved that the sum of forty-six dollars and eighty cents mileage to and from San Francisco be allowed and inserted in the resolution.

Adopted.

Mr. Mizner moved to strike out "eight dollars," the per diem allowed the Assistant Sergeant-at-Arms by the Committee, and insert "six dollars."

Mr. Shaw moved the previous question; and the same being ordered and a division made of the motion last offered by Mr. Mizner, the Senate refused to strike out "eight dollars."

On adopting the resolution as amended, the ayes and noes were demanded by Messrs. Murch, Ewer and Lewis.

The vote was as follows :

AYES—Messrs. Banning, Belden, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Wolcott—31.

NOES—Messrs. Beach, Bradley, Ewer, Mizner, Murch, Tweed, Wadsworth—7.

So the resolution was adopted.

The Enrolling Clerk was unanimously authorized to insert an enacting clause in Senate Bill No. 181.

Senate Bill No. 105 was ordered printed.

UNFINISHED BUSINESS.

The rules being suspended, the Senate considered the unfinished business of the preceding day.

Senate Bill No. 90—An Act to amend an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty.

Ordered engrossed.

AMENDMENT OF THE RULES.

The Senate further considered an amendment to the rules providing a change of the Standing Rules so that the object of every bill shall be stated when it is introduced.

Pending argument on an appeal from a decision of the President on a point of order raised by Mr. Robinson, on motion of Mr. Bradley, at three o'clock and fifteen minutes the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, January 30th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows :

By Mr. Tweed—Of citizens of Township Number Eleven, Placer County, relative to a free road from Claraville, on the Truckee, to the county line between Nevada and Placer.

Referred to Placer delegation.

By Mr. Tweed—Of citizens of Placer County relative to rates of fare and freight on the Central Pacific Railroad.

Laid on the table.

By Mr. Curtis—A memorial from Sister Mary Teresa, Superioress of St. Joseph's Orphan Asylum, at Sacramento City.

[For memorial see Appendix]

In connection with the foregoing, Mr. Curtis, by leave, introduced a bill for an Act appropriating money for the benefit of St. Joseph's Orphan Asylum at Sacramento City.

Read first and second times and, with memorial, referred to Committee on Finance.

On motion of Mr. Mandeville, the vote rejecting Assembly Concurrent Resolution No. 9 was reconsidered.

The resolution, having been amended, was adopted.

By Mr. Roberts—Of citizens of Nevada County relative to the office of County Recorder.

Referred to the Finance Committee.

By Mr. Lewis—A petition of Daniel McLean, late Captain in Second Regiment of Cavalry, California Volunteers, for relief.

Accompanying the resolution was a bill for an Act for the relief of Daniel McLean.

Read first and second times and referred, with the petition, to the Committee on Military Affairs.

By Mr. Mandeville—A communication from S. R. Warrington requesting that a bond of the State of California, number two hundred and seventy-nine, for five hundred dollars, issued on the Indian war account on November fourth, eighteen hundred and fifty seven, be included in a bill introduced to provide for the payment of similar bonds.

Referred to the Committee on Claims.

REPORTS.

Mr. Heacock, Chairman of the Committee on Mileage, reported as follows :

MR. PRESIDENT: Your Committee on Mileage would respectfully submit the following report: That Messrs. Curtis, Conly and Lewis, composing the Senate Special Joint Committee of the two Houses to investigate the affairs of the State Harbor Commission, at San Francisco, are each entitled to the sum of forty-six dollars and eighty cents for mileage (two hundred and thirty-four miles), in going to and returning from San Francisco, in the discharge of their official duties upon said committee. Wherefore your committee recommend the adoption of the following resolution.

HEACOCK, Chairman.

With the foregoing report there was a resolution authorizing the payment of the sums therein named, which was adopted.

Mr. Ewer, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General—have had the same under consideration, and report the same back without recommendation.

The committee instructed its clerk to call on the Honorable John W. Bost, Surveyor-General of the State of California, to inquire if the office of the Surveyor-General stood in need of any such instrument. He replied that although there was no immediate use for it at this very moment, yet it was impossible to say how soon some contingency might arise which would necessitate its purchase. He believed that the State would suffer detriment by the use of defective or imperfect instruments at any time, and the instrument had been pronounced by competent judges as good as could be made in Europe. Therefore he thought the State

would be benefited by its purchase at the price named in the bill, rather than at any future period to suffer for the want of proper instruments to complete the State surveys, as the only instrument of the kind now in his office was not considered reliable.

Also, having had under consideration Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns—report the same back and recommend that it be referred to the Los Angeles delegation.

Also, Assembly Bill No. 70—An Act for the relief of James H. Yeates—report the same back and recommend its passage.

EWER, Chairman.

Mr. Maclay, Chairman of the Committee on State and County Revenue, made the following report:

MR. PRESIDENT: The Committee on State and County Revenue, to whom was referred Senate Bill No. 92—An Act to provide for the payment of the debt of Lassen County—have carefully considered the same, and report the bill back and recommend its passage with the accompanying amendment.

They also recommend the passage of Senate Bill No. 203—An Act to amend an Act concerning ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five.

MACLAY, Chairman.

Mr. Tubbs, from the Finance Committee, reported as follows:

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 32—An Act to fix the per diem and mileage of members of the Legislature—having had the same under consideration, beg leave to report a substitute and recommend the passage of the substitute.

Also, Senate Bill No. 119—An Act regulating the vending of liquors at retail—report the same back with amendments, and recommend its passage as amended.

TUBBS, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 172—An Act to amend an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 181—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 90—An Act amendatory of and supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two.

WADSWORTH, Chairman.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, reported as follows :

Mr. PRESIDENT : The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King, George Carson and associates, to build a wharf or wharves at the Port of San Pedro, in the County of Los Angeles—have had the same under consideration, made amendments thereto, report it back and recommend its passage as amended.

Also, Senate Bill No. 123—An Act authorizing the construction of a wharf in the County of Yolo and to build a railroad in connection therewith—have had the same under consideration, made three amendments thereto, and report it back to the Senate and recommend its passage as amended.

Also, Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara—have had the same under consideration, made four amendments thereto, report it back and recommend its passage as amended.

Also, Senate Bill No. 173—An Act to authorize Cyrus Cheeny and assigns to build and maintain a wharf on the San Joaquin River, at Antioch—have had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 194—An Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad, wharf and toll bridge in Mendocino County—have had the same under consideration, report it back and recommend its passage.

MIZNER, Chairman.

Mr. Conly, Chairman of the Committee on Roads and Highways, presented the following report :

Mr. PRESIDENT : The Committee on Roads and Highways, to whom was referred Assembly Bill No. 33—report the same back and recommend its passage.

Also, Assembly Joint Resolution No. 7, and recommend its reference to the Committee on Public Lands.

CONLY, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER.
January 30th, 1868. }

Mr. PRESIDENT : I am directed to inform your honorable body that the Assembly on this day amended and adopted Senate Concurrent Resolution No. 44, relative to appointing committee to investigate certain charges of corruption, etc., in relation to last Senatorial election.

Also, passed Senate Bill No. 106—An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 168—An Act to authorize the State Controller to draw his warrant on the State Treasurer in favor of the Treasurer of

Sacramento County, for three thousand and twenty-one dollars and forty cents, on account of money overpaid to the State at the special settlement in December, one thousand eight hundred and sixty-seven.

Also, Assembly Bill No. 217 (substitute for Assembly Bill No. 182)—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 202—An Act to repeal an Act entitled an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven.

Also, Assembly Bill No. 248—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

Also, Assembly Bill No. 256—An Act to provide for the collection of revenue in and for Lake County and other matters relating thereto.

Also, Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County.

Also, Assembly Bill No. 242—An Act to amend an Act entitled an Act changing the times of assessing the value of real and personal property and collecting the taxes levied thereon for State and county purposes in the County of Sierra, approved February twentieth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 169—An Act to amend section ten of the Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Also, Assembly Bill No. 31—An Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County.

Also, Assembly Bill No. 217—An Act to authorize certain parties therein named to construct and maintain a toll road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County.

Also, Assembly Bill No. 78—An Act to provide for the payment of the State's proportionate part of the County Auditor's salary in the County of Sutter.

Also, Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte.

Also, Assembly Bill No. 196—An Act to define the boundary line between Merced and Stanislaus Counties.

Also, Assembly Bill No. 255—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same.

Also, Assembly Bill No. 204—An Act to amend an Act approved April twentieth, eighteen hundred and sixty-three, entitled an Act concerning the Courts of justice of this State and judicial officers.

Also, Assembly Bill No. 261—An Act to regulate the election of Supervisors in the County of Merced.

Also, Senate Bill No. 108—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty seven.

Also, Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 168, above reported, was read first and second times and referred to Sacramento delegation.

Assembly Bill No. 261, above reported, was read first and second times and referred to Merced delegation.

Assembly Bill No. 255, above reported, was read first and second times and referred to Santa Clara delegation.

Assembly Bill No. 46, above reported, was read first and second times and referred to Solano and Napa delegations.

Assembly Bill No. 78, above reported, was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 204, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 259, above reported, was read first and second times and referred to the Del Norte delegation.

Assembly Bill No. 217, above reported, was read first and second times and referred to the Colusa and Lake delegations.

Assembly Bill No. 166, above reported, was read first and second times and referred to Mariposa and Merced delegations.

The Senate concurred in Assembly Concurrent Resolution No. 36, above reported.

Assembly Bill No. 160, above reported, was read first and second times and referred to the Committee on State and County Revenue.

SPECIAL ORDER.

The hour having arrived for the special order, Mr. Mizner moved that the same be postponed until after Assembly amendments to Senate Concurrent Resolution No. 44, then under consideration, should be disposed of.

The ayes and noes were demanded by Messrs. Lewis, Heacock and Pendegast.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Johnson, Kincaid, Lewis, Maclay, Mizner, Morrill, Murch, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—30.

NOES—Messrs. Banning, Belden, Conn, Hunter, Lawrence, Mandeville, McDougall, Rose, Shaw—9.

So the special order was postponed.

CONSIDERATION OF ASSEMBLY MESSAGE RESUMED.

Senate Concurrent Resolution^{*} No. 44, above reported with an amendment made in the Assembly, was taken up.

The question being whether the Senate would concur in the amendment, the ayes and noes were demanded by Messrs. Beach, Mizner and Murch.

The vote was as follows:

AYES—Messrs. Conn, Freeman, Hunter, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Rose, Shaw—11.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Green, Hager, Hardy, Heacock, Johnson, Maclay, Mizner, Murch, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—28.

So the Senate refused to concur.

REPORT.

The rules were suspended, and Mr. Shaw had leave to make the following report:

MR. PRESIDENT: The members of the San Francisco delegation, to whom was referred Senate Bill No. 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco—report the same with amendment and recommend the passage of the same as amended.

SHAW.

TUBBS,

Majority of Delegation.

GENERAL FILE.

The amendment proposed to the Standing Rules relating to the hour of meeting, and a kindred resolution, previously offered by Mr. Roberts and lying on the table, were made the special order for Monday, February tenth, at two o'clock P. M.

Senate Bill No. 193—An Act to authorize D. W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County.

Amendment reported and adopted.

Mr. Tweed moved to refer the bill to the Judiciary Committee.

Mr. Mizner moved to include in the reference Senate Bill No. 194, reported from the Committee on Commerce and Navigation.

The motion to refer was lost and the bill ordered engrossed.

Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges.

Read a third time and passed.

Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County for services as jailer and providing for the payment of the same.

Read third time and passed.

Senate Bill No. 183—An Act to provide for the payment of grand jurors in the County of San Mateo.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 138—An Act to amend an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six.

Read third time and passed.

Senate Bill No. 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties.

Ordered engrossed.

Senate Bill No. 202—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities, and compensation, approved March twenty-sixth, eighteen hundred and sixty-six.

Ordered engrossed.

Senate Bill No. 171—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board.

Amendment reported and adopted, and bill ordered engrossed.

Assembly Concurrent Resolution No. 29, respecting a proposed Act of Congress for the establishment of a National School of Mines.

Read a third time and concurred in.

Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County.

Ordered engrossed.

Senate Bill No. 189—An Act to amend an Act entitled an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Substitute adopted, and bill ordered engrossed.

Senate Bill No. 99—An Act for the relief of Charlotte Satterlee as executrix of the last will and testament of William R. Satterlee, deceased, Giles C. Letcher, Paul Newman and Octavius Bell.

Substitute adopted and bill ordered engrossed.

Assembly Bill No. 218—An Act to amend an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one, and to more clearly define the boundary line of Sonoma County.

Read third time and passed, and title amended.

Assembly Concurrent Resolution No. 23, concerning daily mail to Arcata, in Humboldt County, via Hydesville, Rhonerville and Eureka, from Petaluma.

Referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 24, concerning a tri-weekly mail from Eureka to Petrolia, in Humboldt County.

On a motion to refer to the Committee on Federal Relations, the ayes and noes were demanded by Messrs. Mandeville, Lewis and Hardy.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Ewer, Green, Hager, Hardy, Johnson, Kincaid, Mizner, Pearce, Pendegast, Perley, Roberts, Robinson, Saunders, Teegarden, Tweed, Wolcott—18.

NOES—Messrs. Chappell, Conn, Curtis, Heacock, Hunter, Lawrence,

Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Rose, Wadsworth—14.

So the motion was carried.

Assembly Concurrent Resolution No. 27, relative to the establishment of a mail route from Weaverville, in Trinity County, to Hydesville, in Humboldt County.

Referred to the Committee on Federal Relations.

Senate Concurrent Resolution No. 46, relative to the establishment of a daily mail route from Latrobe, in El Dorado County, to Lone City, in Amador County, and the establishment of a Post Office on said mail route

Referred to the Committee on Federal Relations.

Assembly Bill No. 67—An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six.

Substitute reported and adopted, read a third time and passed.

Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six.

Ordered engrossed.

RESOLUTIONS.

The rules were suspended for the introduction of resolutions.

Mr. Maclay introduced the following :

Resolved, That the Committee on State and County Revenue be allowed a clerk, with the usual per diem, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Mandeville introduced the following :

Resolved by the Senate, That the Committee on Counties and County Boundaries be instructed to inquire into and report the propriety of changing the boundaries of the various counties of this State, so as to conform to the United States surveys.

Adopted.

REPORT.

Mr. Green had leave to make the following report :

MR. PRESIDENT: The delegations to whom was referred Assembly Bill No. 38—An Act to give to grand and trial jurors mileage in the Counties of Marin and Santa Cruz—report the same back and recommend its passage.

GREEN, for Delegations.

CONSIDERATION OF ASSEMBLY MESSAGE RESUMED.

The Senate resumed consideration of Assembly message, interrupted by the general file.

Assembly Bill No. 183, above reported, was read first and second times and referred to Finance Committee.

Assembly Bill No. 242, above reported, was read first and second times and referred to the Sierra delegation.

Assembly Bill No. 207, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 202, above reported, was read first and second times and referred to the Santa Barbara and San Luis Obispo delegation.

Assembly Bill No. 256, above reported, was read first and second times and referred to Committee on State and County Revenue.

Assembly Bill No. 248, above reported, was read first and second times and referred to the Mariposa delegation.

The Senate concurred in Assembly amendment to Senate Bill No. 106, above reported.

Assembly Concurrent Resolution No. 36, above reported, was also concurred in.

INTRODUCTION OF BILLS.

Bills were introduced, pursuant to notice, as follows:

By Mr. Kincaid—An Act concerning roads and highways in the County of San Mateo.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Tweed (by leave, without notice)—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Chappell—An Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Pearce—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Mizner—An Act to incorporate Hesperian College, Woodland, Yolo County, California.

Read first and second times and referred to the Committee on Education.

NOTICE.

Mr. Curtis gave notice that he would introduce a bill to provide for the reclamation, protection from overflow, and drainage of Swamp Land District Number Two.

MOTIONS AND RESOLUTIONS.

Mr. Wadsworth requested to be and was excused from further service on the Committee on State Hospitals.

On motion of Mr. Teegarden, Mr. Maclay was chosen to fill the vacancy occasioned thereby.

Mr. Mandeville offered the following:

Resolved, That the Committee on State Hospitals be and they are hereby allowed a clerk, with the same per diem as is allowed other clerks of committees.

Adopted.

Mr. Tweed offered the following :

Resolved, That John Helmsley be appointed porter for the Enrolling, Engrossing, Copying and Journal Clerks' rooms, at the usual per diem allowed by law, payable out of the Contingent Fund of the Senate.

On adopting the same the ayes and noes were demanded by Messrs. Hager, Lawrence and Pearce.

The vote was as follows :

AYES—Messrs. Banning, Beach, Bradley, Chappell, Conly, Conn, Green, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Mizner, Pendegast, Pratt, Roberts, Saunders, Teegarden, Tweed, Wadsworth, Wolcott—23.

NOES—Messrs. Curtis, Ewer, Freeman, Hager, Heacock, Lawrence, Murch, Pearce, Robinson, Rose—10.

So the resolution was adopted.

UNFINISHED BUSINESS.

The Senate took up unfinished business—a proposed amendment to the Standing Rules of the Senate.

Mr. Hager moved to lay it on the table.

Mr. Mandeville moved to adjourn. Thereupon the ayes and noes were demanded by Messrs. Johnson, Green and Rose.

The vote was as follows :

AYES—Messrs. Banning, Beach, Belden, Conly, Ewer, Freeman, Hardy, Heacock, Hunter, Kincaid, Maclay, Mandeville, McDougall, Morrill, Roberts, Robinson, Rose, Saunders, Tweed—19.

NOES—Messrs. Bradley, Chappell, Conn, Curtis, Green, Hager, Johnson, Lawrence, Mizner, Murch, Pearce, Perley, Pratt, Teegarden, Wadsworth, Wolcott—16.

Accordingly, at two o'clock and twenty-six minutes P. M., the Senate adjourned.

WILLIAM HOLDEN;

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Friday, January 31st, 1868. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows :

By Mr. Curtis—Of two thousand Christian men and women of California relative to the repeal of certain statutes known as Sunday Laws.

Referred to the Committee on Public Morals.

By Mr. Hager—Of certain citizens of San Francisco praying the passage of certain laws regulating the business of insurance.

Referred to the Judiciary Committee.

REPORTS.

Mr. Murch, from the Committee on Enrolment, made the following report :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 35—An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto;

Also, Senate Bill No. 46—An Act concerning the office of Public Administrator in Marin County;

Also, Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo;

And this day at ten o'clock and forty-five minutes A. M. presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wolcott, Chairman of the Committee on Public Lands, reported as follows :

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Senate Joint Resolution No. 43, relative to the Mendocino Indian Reservation—having had the same under consideration, do now report the same back and recommend its passage.

Your committee further report that they have considered Senate Joint Resolution No. 45, relative to railroad lands, and now report the same back and recommend its passage.

WOLCOTT, Chairman.

Mr. Conly, Chairman of the Committee on Roads and Highways, presented the following report:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bills No. 129 and 160, have had the same under consideration and have instructed me to report the same back with a recommendation that they be referred to the Judiciary Committee.

Also, Senate Bill No. 147, which they report back and recommend the passage of the accompanying bill as a substitute therefor.

Also, Senate Bill No. 175, which they report back with an amendment, as follows: Strike out section four and insert therefor the amendment attached to bill; and recommend the passage of the bill as so amended.

CONLY, Chairman.

Mr. Curtis, Chairman of the Committee on Public Buildings, made the following report:

MR. PRESIDENT: The Committee on Public Buildings, to whom was referred certain resolutions relative to the State Capitol building, have had the same under consideration, report them back and recommend the adoption of Assembly concurrent resolution.

CURTIS, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 26—An Act relating to homesteads.

Also, Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress.

Also, Senate Bill No. 183—An Act to provide for the payment of grand jurors in the County of San Mateo.

Also, Senate Bill No. 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties.

Also, Senate Bill No. 202—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

Mr. Roberts, Chairman of the Joint Committee on Printing, made the following report:

MR. PRESIDENT: The Joint Committee on Printing, to whom was referred the report of the Special Joint Committee appointed to investigate the proceedings of the State Harbor Commissioners, would respectfully report that they have examined the documents submitted to their consideration, and recommend the printing of the report of the committee, together with Exhibits F and J, accompanying the same.

Your committee find that the substantial matters shown by the testimony taken before the Committee of Investigation have been embodied

in the report of the Committee, and therefore, in the opinion of your Committee on Printing, it is unnecessary to incur the expense of printing the testimony.

We therefore submit the annexed resolution and recommend its adoption.

ROBERTS,
Chairman of Senate Committee.

PAYNE,
Chairman of Assembly Committee.

Resolved by the Senate, the Assembly concurring, That there shall be printed four hundred and eighty copies of the report of the Special Joint Committee appointed to investigate the proceedings of the State Harbor Commissioners, together with Exhibits marked F and J, accompanying the same.

The foregoing resolution was adopted.

SPECIAL ORDER.

Senate Bill No. 146—An Act to furnish the public streets and highways with shade trees.

On motion of Mr. Mandeville, referred to Committee on Finance.

REPORTS.

Mr. Murphy verbally reported Senate Bill No. 202, recommending its passage.

Mr. Murch presented a report from and the testimony taken before the Special Committee charged with the investigation concerning the disposal of certain furniture purchased during the last session of the Senate.

Accompanying the above report, a bill was submitted for an Act to provide for the sale of property purchased for and used by the Legislature at its seventeenth session.

Read first and second times and referred to the Committee on Public Accounts and Expenditures.

[For report and testimony see Appendix.]

Mr. Mandeville moved to refer the report to the Committee on Printing to ascertain and report the cost of printing the same.

On adopting the motion the ayes and noes were demanded by Messrs. Murch, Mandeville and Shaw.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conn, Freeman, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murch, Pearce, Pendegast, Roberts, Robinson, Rose, Saunders, Shaw, Tweed, Wadsworth, Wolcott—27.

NOES—Messrs. Belden, Conly, Curtis, Ewer, Green, Lewis, Mizner, Murphy, Perley, Pratt, Teegarden, Tubbs—12.

So the motion was carried.

Mr. Pratt, from the Sierra delegation, made the following report :

Mr. PRESIDENT : The Sierra delegation, to whom was referred Assembly Bill No. 242, have considered the same, report it back and recommend its passage.

PRATT, for Delegation.

Mr. Murch, from the Del Norte delegation, made the following report .

Mr. PRESIDENT : The Del Norte delegation, to whom was referred Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte—have had the same under consideration, and report it back with an amendment and recommend its passage as amended.

MURCH, for Delegation.

Mr. Saunders verbally reported recommending an amendment to and the passage of Senate Bill No. 187.

Mr. Lawrence made the following report :

Mr. PRESIDENT : Your committee, to whom was referred Assembly Bill No. 261—An Act to regulate the election of Supervisors in the County of Merced—respectfully report the same back and recommend its passage without amendment.

LAWRENCE, for Committee.

Mr. Lawrence also reported as follows :

Mr. PRESIDENT : Your committee, to whom was referred Assembly Bill No. 166—An Act to define the boundary line between Merced and Stanislaus Counties—having examined the bill and found that it establishes the proper and original line between the two counties, and that its passage has been recommended by the Assembly delegation from Merced and Stanislaus and that the same recommendation has been made by the Assembly Committee on Counties and County Boundaries, would respectfully report the same back without amendment and recommend its passage.

LAWRENCE, for Committee.

Mr. Ewer verbally reported recommending the passage of Senate Bill No. 94.

GENERAL FILE.

Senate Bill No. 90—An Act amendatory of and supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two.

Read third time and passed.

Senate Bill No. 172—An Act to amend an Act entitled an Act concerning the assessment and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Read third time and passed.

Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General.

Ordered engrossed.

Assembly Bill No. 62 was referred to Los Angeles delegation.

Assembly Bill No. 70—An Act for the relief of James H. Yeates.

Read third time and passed.

Senate Bill No. 92—An Act to provide for the payment of the indebtedness of Lassen County.

Amendments reported and adopted, and bill ordered engrossed.

Senate Bill No. 203—An Act to amend an Act concerning ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five.

Mr. Pendegast moved to strike out the word "County Assessor" wherever it occurs in the bill, and insert "District Attorney."

The motion prevailed and the bill was ordered engrossed.

Senate Bill No. 32—An Act to fix the per diem and mileage of members of the Legislature.

Made the special order for March third, at two o'clock p. m.

Senate Bill No. 119—An Act regulating the vending of liquors at retail.

The bill was amended, and Mr. Pearce moved that the enacting clause be stricken out.

The ayes and noes were demanded by Messrs. Roberts, Johnson and Pearce.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Hunter, Lawrence, Murphy, Pearce, Pendegast—7.

NOES—Messrs. Banning, Belden, Bradley, Chappell, Conn, Ewer, Hager, Hardy, Heacock, Johnson, Lewis, Maclay, Mizner, Morrill, Murch, Perley, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—26.

So the motion was lost.

On ordering the bill engrossed the ayes and noes were demanded by Messrs. Johnson, Murphy and Teegarden.

The vote was as follows :

AYES—Messrs. Banning, Belden, Bradley, Chappell, Conn, Ewer, Hager, Hardy, Heacock, Lewis, Maclay, Mizner, Morrill, Murch, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—26.

NOES—Messrs. Curtis, Freeman, Hunter, Johnson, Lawrence, Murphy, Pearce—7.

So the bill was ordered engrossed.

Assembly Bill No. 64 was recommitted to the delegations from Los Angeles and San Bernardino.

Mr. Pendegast gave notice of a motion to reconsider the vote whereby the Senate ordered Senate Bill No. 119 engrossed.

Senate Bill No. 123—An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith—being under consideration, the hour for recurring to the regular order of business arrived.

Mr. Johnson moved that consideration of the general file be continued until it was disposed of.

The motion prevailed, and consideration of Senate Bill No. 123 was continued.

The bill was amended as recommended by the Committee, and further by the Senate, and ordered engrossed.

Assembly Bill No. 16—An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara.

Amendments reported and adopted, and bill ordered engrossed.

Senate Bill No. 173—An Act to authorize Cyrus Cheeny and associates to build and maintain a wharf on the San Joaquin River, at Antioch.

Ordered engrossed.

Senate Bill No. 194—An Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad, wharf and toll bridge in Mendocino County.

Amendments reported and adopted, and bill ordered engrossed.

Senate Bill No. 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco.

Mr. Saunders moved that the bill be referred to the Judiciary Committee.

Lost.

The reported amendment was adopted and the bill ordered engrossed.

Mr. Curtis moved to adjourn.

Lost.

Mr. Hager moved a suspension of the rules to allow him to introduce two bills, and the Senate refused to suspend.

Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and collect tolls for travel thereon.

Read third time and passed.

Assembly Bill No. 38—An Act to give to grand and trial jurors mileage in the Counties of Marin and Santa Cruz.

Read third time and passed.

On motion of Mr. Lawrence, Senate Bills Nos. 16, 110 and 97 were taken from unfinished business and ordered placed on top of file for Tuesday, February fourth.

At three o'clock and thirty-five minutes p. m., on motion of Mr. Murphy, the Senate adjourned.

L. B. MIZNER,

President pro tem. of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, February 1st, 1868. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS.

Mr. Perley, Chairman of the Committee on Agriculture, presented the following report :

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game—report the same back and recommend the bill be returned to the Assembly to be corrected and engrossed.

The committee have had under consideration Assembly Bill No. 112—An Act for the protection of grain fields and vineyards in certain counties in this State—and report the same back without recommendation.

The committee have also considered Assembly Bill No. 60—An Act to restrict the herding of sheep and goats in the County of San Diego—and report the same back without recommendation.

PERLEY, Chairman.

Mr. Maclay, Chairman of the Committee on State and County Revenue, made the following report :

MR. PRESIDENT: The Committee on State and County Revenue, to whom was referred Assembly Bill No. 160—An Act to amend section ten of an Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty—have had the same under consideration, and report it back without amendment and recommend its passage.

MACLAY, Chairman.

Mr. Murch, from the Committee on Enrolment, reported as follows :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 17—An Act for the relief of debtors ;

Also, Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates and assigns, to construct and maintain a wharf at Horton's Addition, in New San Diego, in the County of San Diego ;

Also, Senate Bill No. 98—An Act supplementary to an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private land for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four ;

Also, Senate substitute for Assembly Bill No. 110—An Act for the relief of Henry N. Morse, Sheriff of Alameda County ;

Also, Senate Bill No. 115—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles, now existing in the form of County Auditor's warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for

indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same;

And this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCII, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, substitute for Senate Bill No. 99—An Act for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco.

Also, Senate Bill No. 119—An Act regulating the vending of liquors at retail.

Also, Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County.

Also, Senate Bill No. 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco.

Also, Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 193—An Act to authorize D. W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County.

WADSWORTH, Chairman.

Mr. Pendegast, from the Colusa and Lake delegations, presented the following report :

MR. PRESIDENT: The Lake and Colusa delegations, having considered Assembly Bill No. 217—An Act to authorize certain parties therein named to construct and maintain a toll road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County—report the same back and respectfully recommend its passage.

LEWIS.

PENDEGAST.

Mr. Saunders, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The Senate delegation of the City and County of San Francisco, to whom was referred Senate Bill No. 159—An Act to change the grade of the crossing of Jones and Taylor streets, in the City and County of San Francisco—respectfully report in favor of the passage of the same.

SAUNDERS, for Delegation.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER. }
January 30th, 1868. }

Mr. PRESIDENT: The Assembly on this day passed Assembly Bill No. 106—An Act to pay for services rendered in the State Land Department.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER. }
January 30th, 1868. }

Mr. PRESIDENT: The Assembly on this day concurred in Senate Concurrent Resolution No. 47, providing for the payment of expenses in the investigation of the affairs of the State Harbor Commission.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
January 31st, 1868. }

Mr. PRESIDENT: The Assembly on the thirtieth instant passed Assembly Concurrent Resolution No. 25, relative to the land granted to the State for the benefit of an Agricultural College.

Also, with amendments, Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands.

Also, with amendments, Senate Bill No. 133—An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries and to provide for its organization, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.

Also, Assembly Bill No. 95—An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks.

Also, Assembly Bill No. 115—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 191, above reported, was read first and second times and referred to the Calaveras and Tuolumne delegations.

Assembly Bill No. 95, above reported, was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 115, above reported, was read first and second times and referred to Committee on State and County Revenue.

Assembly Bill No. 106, above reported, was read first and second times and referred to Committee on Claims.

Senate Bill No. 66, above reported, with Assembly amendment, referred to Yuba delegation.

The Senate concurred in Assembly amendments to Senate Bill No. 133, above reported.

Assembly Concurrent Resolution No. 23, above reported, was referred to Committee on Public Lands.

INTRODUCTION OF BILLS.

Bills were introduced, pursuant to notice, and by leave, as follows :

By Mr. Robinson—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six

Read first and second times and referred to Committee on Finance.

By Mr. Maclay—An Act to amend an Act entitled an Act to authorize the establishment of County Infirmarys for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, eighteen hundred and fifty-five, approved April eighteenth, eighteen hundred and sixty.

Read first and second times and referred to Committee on Hospitals, and ordered printed.

By Mr. Maclay—An Act requiring all bankers or banking houses, public or private, to make an exhibit of uncalled for deposits and dividends.

Read first and second times and referred to Committee on State and County Revenue, and ordered printed.

By Mr. Wolcott—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Murphy—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Hager—An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three, approved March twenty-second, eighteen hundred and sixty-six.

Read first and second times and referred to San Francisco delegation.

Also, an Act supplemental to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the San Francisco delegation.

By Mr. Saunders—An Act to expedite the settlement of titles to lands held under a common source of title.

Read first and second times and referred to the Judiciary Committee.

NOTICE.

Mr. Lewis gave notice of a bill relative to the Board of State Harbor Commissioners.

RESOLUTIONS.

Mr. Murch offered the following :

Resolved, That Charles E. Barnes, Minute Clerk of the Senate, is hereby granted leave of absence to date from January eighth, and such leave of absence shall continue until he shall be able to discharge his duties as Minute Clerk.

Adopted.

Mr. Perley introduced the following resolution :

Resolved, That Hiram Clock is hereby appointed as an Assistant Porter of the Senate, with the pay of other Porters, payable out of the Senate Contingent Fund.

GENERAL FILE.

Senate Bill No. 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties.

Read a third time and passed.

Senate Bill No. 202—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 183—An Act to provide for the payment of grand jurors in the County of San Mateo.

Read a third time and passed.

Senate Bill No. 26—An Act relating to homesteads.

Ordered placed on top of file for next Tuesday, and ordered printed.

Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress.

Ordered placed on top of file for next Saturday.

Senate Joint Resolution No. 43, relative to the Mendocino Indian Reservation.

Adopted.

Senate Joint Resolution No. 45, relative to railroad lands.

Ordered to top of file for Thursday next.

Senate Bill No. 129 was taken from file and referred to Santa Barbara delegation.

Senate Bill No. 160 was taken from file and referred to Judiciary Committee.

Senate Bill No. 147—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six.

Substitute adopted, and bill ordered engrossed.

Mr. Pendegast moved to reconsider the vote ordering Senate Bill No. 119 engrossed for a third reading.

The ayes and noes were demanded by Messrs. Johnson, Perley and Murphy.

The vote was as follows :

AYES—Messrs. Beach, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Murphy, Pearce, Pendegast—10.

NOES—Messrs. Banning, Belden, Bradley, Chappell, Conn, Ewer, Hardy, Heacock, Lewis, McDougall, Mizner, Morrill, Murch, Perley, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—22.

So the motion was lost.

Mr. Lewis moved that when the Senate adjourn, it adjourn until Tuesday next at one o'clock P. M.

The ayes and noes were demanded by Messrs. Murphy, Murch and Teegarden.

The vote was as follows :

AYES—Messrs. Banning, Belden, Conn, Curtis, Ewer, Freeman, Heacock, Kincaid, Lewis, Mandeville, McDougall, Morrill, Murphy, Pendegast, Shaw, Tweed, Wolcott—17.

NOES—Messrs. Bradley, Chappell, Hager, Hardy, Hunter, Johnson, Mizner, Murch, Pearce, Perley, Roberts, Robinson, Teegarden, Tubbs, Wadsworth—15.

So the motion was carried.

REPORT.

The rules were suspended, and Mr. Ewer submitted a report from the Committee on Claims, with Senate Bill No. 143, relative to certain outstanding bonds.

At one o'clock and twenty minutes, on motion of Mr. Hardy, the Senate adjourned.

L. B. MIZNER,
President pro tem. of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Tuesday, February 4th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. James S. Todd.

Journal of Saturday read and approved.

REPORTS.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Concurrent Resolution No. 17, relative to printing ;

Also, Senate Concurrent Resolution No. 25, relative to meeting in Joint Assembly ;

Also, Senate Bill No. 108—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven ;

Also, Senate Bill No. 128—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six ;

Also, Senate Bill No. 132—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax ;

And this day at eleven o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 92—An Act to provide for the payment of the indebtedness of Lassen County.

Also, Senate Bill No. 123—An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith.

Also, Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General

Also, substitute for Senate Bill No. 147—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six.

Also Senate Bill No. 171—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board.

Also, Senate Bill No. 173—An Act to authorize Cyrus Cheeny and associates to build and maintain a wharf on the San Joaquin River, at Antioch.

Also, substitute for Senate Bill No. 189—An Act to amend an Act entitled an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 194—An Act to authorize H. B. Tiebenor and R. G. Byxbee to construct a railroad, railroad wharf, and toll bridge in Mendocino County.

Also, Senate Bill No. 203—An Act to amend an Act concerning ferries

and toll bridges, approved April eighteenth, eighteen hundred and fifty-five.

WADSWORTH, Chairman.

Mr. Belden presented a lengthy report from the Judiciary Committee recommending the indefinite postponement of Senate Bills Nos. 96, 142 and 176.

The report was ordered printed.

[For report see Appendix.]

Mr. Beach, Chairman of the Committee on Public Expenditures, made the following report:

MR. PRESIDENT: The Committee on Public Expenditures, to whom was referred Senate Bill No. 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session—have duly considered the same, report the same back and recommend its passage.

BEACH, Chairman.

Mr. Conn, from the San Bernardino delegation, made the following report:

MR. PRESIDENT: The San Bernardino delegation, to whom was referred Assembly Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King, George Carson, and associates, to build a wharf, or wharves, at the Port of San Pedro, in the County of Los Angeles—having duly considered the bill, report the same back with the recommendation that the bill pass as amended by the Committee of Commerce and Navigation.

CONN, for Delegation.

Mr. Murphy made a verbal report, recommending the passage of Senate Bill No. 129.

Mr. Hager, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation respectfully report back Assembly Bills No. 23 and No. 164, and recommend their passage.

HAGER, for Delegation.

Mr. Hager, from the San Francisco delegation, also reported as follows:

MR. PRESIDENT: The San Francisco delegation respectfully report back Assembly Bills No. 55 and No. 239, with substitutes therefor, and recommend the passage of the substitutes.

HAGER, for majority of Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 1st, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 81—An Act to prevent the destruction of fish in the waters of Napa River and Sonoma Creek.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }
February 1st, 1868. }

MR. PRESIDENT: The Assembly this day passed Senate Bill No. 52—An Act entitled an Act to authorize the guardian of Victoriano Guerraro to sell certain real estate at private sale—with amendments.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
February 1st, 1868. }

MR. PRESIDENT: The Assembly on this day passed Assembly Concurrent Resolution No. 38, relating to Joint Convention on Wednesday, fifth instant, for the purpose of electing State Harbor Commissioner.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Mr. Roberts moved to amend Assembly Concurrent Resolution No. 38, above reported, by striking out "Wednesday, February fifth, proximo," and inserting "Thursday, March fifth."

On adopting the amendment the ayes and noes were demanded by Messrs. Mandeville, Shaw and Green.

The vote was as follows:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Shaw—15.

So the motion was carried.

Mr. Beach moved that the further consideration of the resolution be made the special order for Wednesday, March fourth.

The ayes and noes were demanded by Messrs. Shaw, Pendegast and Beach.

The vote was as follows:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly,

Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Shaw, Teegarden, Tabbs, Tweed, Wadsworth, Wolcott—22.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast—14.

So the motion was carried.

Mr. Shaw gave notice of a motion to reconsider the foregoing vote.

The Senate concurred in Assembly amendments to Senate Bill No. 52, above reported.

INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows:

By Mr. Banning—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for establishing gas works in Los Angeles City.

Read first and second times and referred to the Los Angeles delegation.

By Mr. Kincaid—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Read first and second times and referred to the San Mateo delegation.

Also, an Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Tweed—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to Judiciary Committee.

Also, an Act relating to civil and criminal actions and proceedings in the Courts of justice in this State.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Perley—An Act to permit persons in San Joaquin County finding stray stock on their premises to drive the same to the nearest commons.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Murch—An Act to amend an Act entitled an Act concerning public ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Ewer—An Act to authorize certain persons to remove improvements placed upon public lands after said lands have become private property.

Read first and second times and referred to the Judiciary Committee.

By Mr. Mizner—An Act to provide for holding the County Court and Probate Court in the County of Solano.

Read first and second times and placed on file.

By Mr. Heacock—An Act to define the limits of the wards, and the Supervisor and school districts of the City of Sacramento.

Read first and second times and placed on file.

Also, an Act to provide for grading the public alleys and the construction of sewers therein, in the City of Sacramento.

Read first and second times and placed on file.

NOTICE.

Notice of the introduction of a bill was given, as follows :

By Mr. Conn—An Act to provide for the payment of the unfunded debt of the County of San Diego, and for other purposes.

REMONSTRANCE.

Mr. Chappell presented a remonstrance from citizens of Tehama against the passage of any Act releasing the bondsmen of one Allen Hall, convicted in that county of grand larceny.

GENERAL FILE.

Senate Bill No. 26—An Act relating to homesteads.

The question being the third reading of the bill, Mr. Pearce moved to recommit the bill to the author with special instructions to add the following words to the second section :

“ But the selection and recording of a homestead claim upon an undivided interest in land shall not render it necessary to make the wife a party to an action to recover an undivided interest in the same land by one of several joint tenants, or tenants in common, nor to any action of partition.”

Lost.

The vote on ordering the bill engrossed was then reconsidered and the bill recommitted to the Judiciary Committee.

REPORT.

The rules were suspended, and Mr. Mizner made the following report :

Mr. PRESIDENT: The Committee on Military Affairs, to whom was referred Assembly Concurrent Resolution No. 33 (substitute for Assembly Concurrent Resolution No. 7), concerning bounty due the men composing the First Battalion of Mountaineers, California Volunteer Infantry—have had the same under consideration, report it back and recommend its passage.

MIZNER, for Committee.

GENERAL FILE RESUMED.

Senate Bill No. 110—An Act to repeal an Act to authorize the husband and wife to become witnesses in criminal cases.

On ordering the bill engrossed the ayes and noes were demanded by Messrs. Pearce, Pendegast and Lawrence.

The vote was as follows :

AYES—Messrs. Hager, Hunter, Lawrence, Mandeville, McDougall, Morrill, Murch, Murphy, Pearce, Pendegast, Rose—11.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Johnson, Kincaid, Lewis, Maclay, Mizner, Pratt, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—27.

So the Senate refused to order the bill engrossed.

Senate Bill No. 16—An Act to repeal an Act entitled an Act relating to criminal prosecutions, approved April second, eighteen hundred and sixty-six.

Mr. Shaw moved to recommit the bill to the Judiciary Committee.

Lost.

Mr. Pendegast moved to make the further consideration of the bill the special order for Friday next at half-past eleven o'clock A. M.

The ayes and noes were demanded by Messrs. Shaw, Pendegast and Lawrence.

Mr. Hager was addressing the Senate on the question to make the bill the special order, when Mr. Belden raised the point of order, that it was not proper, in speaking to the question before the Senate, to discuss the proposition contained in Senate Bill No. 110, which the Senate had just refused to order engrossed.

Mr. Mizner moved to adjourn.

Lost.

The President decided the point of order to be well taken.

Mr. Hager appealed to the Senate.

The question, Shall the decision of the President stand as the judgment of the Senate? was decided in the affirmative.

Mr. Pearce moved to adjourn.

Lost.

Mr. Mandeville moved to lay the bill on the table.

Lost.

Mr. Mizner demanded the previous question, which was sustained.

The vote was then taken on the motion to make the bill the special order.

The vote was as follows :

AYES—Messrs. Banning, Chappell, Conly, Conn, Hager, Hunter, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Pratt, Shaw—17.

NOES—Messrs. Belden, Bradley, Curtis, Ewer, Green, Hardy, Heacock, Johnson, Maclay, Mizner, Murch, Perley, Roberts, Robinson, Rose, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

So the Senate refused.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Shaw, Pendegast and Johnson.

The vote was as follows :

AYES—Messrs. Conn, Hager, Hunter, Lawrence, Mandeville, McDougall, Pearce, Perley, Rose—9.

NOES—Messrs. Banning, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Green, Hardy, Heacock, Johnson, Kincaid, Lewis, Maclay, Miz-

ner, Morrill, Murch, Murphy, Pendegast, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—27.

So the Senate refused to order the bill engrossed.

Mr. Mizner moved to adjourn.

Mr. Shaw gave notice of a motion to reconsider.

Mr. Mizner called the attention of the President to the fact that his motion was precedent.

The President said that he would always entertain a notice of a motion to reconsider, notwithstanding a motion had been made to adjourn.

The President, by request, announced to the Senate that an exhibition of pupils of the Deaf, Dumb and Blind Asylum would take place to-morrow evening in the Assembly Chamber, at half-past seven o'clock, in pursuance of an invitation from the Assembly.

Senate Bill No. 162 was ordered to the top of file for to-morrow.

REPORTS.

The rules were suspended for the reception of the following :

Mr. Banning, from the Los Angeles delegation, made the following report :

MR. PRESIDENT: Your Committee, to whom was referred Senate Bill No. 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for the establishment of gas works in the City of Los Angeles—has had the same under consideration, and begs leave to present the accompanying papers relating thereto and recommend the passage of the bill.

BANNING, Chairman.

Mr. Roberts, Chairman of the Committee on Printing, made the following report :

MR. PRESIDENT: Your Committee on Printing, to whom was referred the report of the Senate Investigation Committee on the disposition of Furniture, with instructions to inquire into and ascertain the cost of printing the same, would respectfully report that they have performed that duty and find that, according to an estimate made at their request by the State Printer, the entire cost of printing the usual number of copies of said report, and testimony accompanying, would be about twenty-five dollars, and that two hundred and forty extra copies would cost about six dollars.

ROBERTS, Chairman.

On motion of Mr. Green, at four o'clock and forty-five minutes, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
 Wednesday, February 5th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted for one day each to Messrs. Kincaid and Saunders.

PETITIONS.

Petitions were presented as follows :

By Mr. Mizner—Of the Board of Marine Underwriters of San Francisco, in favor of maintaining the present system of pilot laws and regulations between the Ports of San Francisco and Benicia.

Referred to Committee on Commerce and Navigation.

By Mr. Pendegast—Of citizens and taxpayers of Lake County asking for the repeal of an Act providing for the location and survey of a public highway from Suisun City to Knoxville, in Lake County.

Referred to Solano and Napa delegations.

By Mr. Robinson—Of the Supervisors of Alameda County asking the passage of a law conferring upon them certain powers therein specified.

Referred to Alameda delegation.

The President presented a preamble and resolutions adopted by Dashaway Association No. 43, of Santa Cruz, concerning the removal of the State Capital to that place.

Referred to the Committee on Public Buildings.

REPORTS.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT : The Committee on Judiciary, to whom was referred Senate Bill No. 15—An Act to declare Thomas Jefferson Clunie, a minor, of lawful age—have had the same under consideration, report it back without amendment and recommend its passage.

Also, Senate Bill No. 2—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and of the Acts amendatory thereof and supplementary thereto ;

Also, Senate Bill No. 137—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof—and report them back with amendments and recommend their passage as amended.

Also, Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four—report the same back with a substitute and recommend the adoption of the substitute.

Also, Senate Bill No. 43—An Act to provide for the creation of a Board of Commissioners for Immigrant Aid;

Also, Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo;

Also, Senate Bill No. 91—An Act to levy a tax upon the taxable property of the Oroville School District, in Butte County, to pay for the school-house recently erected therein;

These last named bills we report back and recommend that they be indefinitely postponed.

Also, Senate Bill No. 56—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto—report the same back and a majority of the committee recommend that the same be indefinitely postponed.

BELDEN, Chairman.

Mr. Ewer, Chairman of the Committee on Claims, made the following report:

Mr. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County—have had the same under consideration, amended it and report it back without recommendation.

Also, Senate Bill No. 101—An Act for the relief of Joseph Craig, County Treasurer of Trinity County—report the same back with recommendation that it do not pass.

EWER, Chairman.

Mr. Mizner verbally reported Senate Bill No. 213, recommending its reference to the Committee on Claims.

Mr. Murch, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 65—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three;

Also, Senate Bill No. 76—An Act for the liquidation and payment of the indebtedness of the City of Marysville and for other purposes;

And this day at eleven o'clock A. M. presented the same to the Governor for his approval.

MURCH, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 4th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved substitute for Senate Bill No. 17—An Act for the relief of debtors.

Also, Senate Bill No. 98—An Act supplementary to an Act to declare and regulate the power of the Board of Supervisors of the City and

County of San Francisco to take private lands for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 115—An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles now existing in the form of County Auditor's warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same, approved April fifth, eighteen hundred and sixty-one.

Also, Senate Bill No. 41—An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates or assigns, to construct and maintain a wharf at Horton's addition to New San Diego, in the County of San Diego.

Also, Senate Bill No. 102—An Act authorizing the construction of a wharf in the Bay of San Luis Obispo.

Also, Senate Bill No. 46—An Act concerning the office of Public Administrator in the County of Marin.

Also, Senate Bill No. 33—An Act to authorize the Board of Supervisors of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

Also, Senate Bill No. 34—An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

H. H. HAIGHT, Governor.

SPECIAL ORDERS.

At half-past eleven o'clock A. M., the Senate took up the special orders of the day:

Senate Bill No. 107—An Act to limit the hours of labor; and

Senate Bill No. 8—An Act to limit the hours of labor.

On motion of Mr. Hager, the bills were discontinued from special orders and ordered placed at top of file for Friday next, and that the Judiciary Committee be instructed to report to the Senate an Assembly bill on the same subject, in their possession, in order that it may be considered in connection with the foregoing two.

INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Mizner—An Act to authorize Henry Connelly, E. Martin and John B. Frisbie, their associates and assigns, to construct and maintain water works for the purpose of supplying the Town of Vallejo, in Solano County, with pure fresh water.

Read first and second times and referred to the Committee on Corporations.

Also, an Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April

fourth, eighteen hundred and fifty, and the several Acts amendatory thereto.

Read first and second times and referred to Committee on Corporations.

By Mr. Curtis—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Read first and second times and placed on file.

By Mr. Mandeville—An Act to fix the salaries and pay of certain officers of Tuolumne County.

Read first and second times and referred to the Tuolumne delegation.

By Mr. McDougall—An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Ewer—An Act to defray the expenses of the State Prison of the State of California during the year ending June thirtieth, eighteen hundred and sixty-eight, and to pay the outstanding debts of the same.

Read first and second times and referred to the Finance Committee.

MOTIONS TO RECONSIDER.

Mr. Shaw, according to notice, moved a reconsideration of the vote whereby the Senate yesterday made the consideration of Assembly Concurrent Resolution No. 38, relating to a Joint Convention for the election of a State Harbor Commissioner, the special order for March fourth.

The ayes and noes were demanded by Messrs. Perley, Lawrence and Mandeville.

Mr. Mandeville moved to lay the motion on the table.

Messrs. Shaw, Murphy and Mandeville demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Shaw—14.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Johnson, Mizner, Murch, Pearce, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—23.

So the motion to lay on the table was lost.

The motion to reconsider was put and lost, by the following vote.

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Shaw—16.

NOES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—21.

Mr. Shaw, also according to notice, moved to reconsider the vote whereby the Senate yesterday refused to order to be engrossed Senate Bill No. 16.

The ayes and noes were demanded by Messrs. Shaw, Murphy and Lawrence.

The vote was as follows:

AYES—Messrs. Conly, Conn, Ewer, Green, Hager, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Murphy, Pearce, Pendegast, Perley, Pratt, Shaw—17.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Freeman, Hardy, Heacock, Johnson, Mizner, Murch, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—17.

There being a tie, the President, exercising his constitutional privilege, voted aye and so the motion of Mr. Shaw prevailed, and the further consideration of the bill was made a special order for the twentieth day of February, at two o'clock p. m.

RESOLUTION.

Mr. Murch offered a concurrent resolution in favor of establishing a mail route from Trinity Center to Sawyer's Bar, in Klamath County.

Read first and second times and referred to the Committee on Federal Relations.

GENERAL FILE.

Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

On the passage of the bill the ayes and noes were demanded by Messrs. Lewis, Johnson and Pendegast.

The vote was as follows:

AYES—Messrs. Belden, Bradley, Conly, Conn, Curtis, Hager, Hardy, Heacock, Lawrence, Mandeville, Morrill, Pearce, Perley, Robinson, Tubbs, Tweed, Wadsworth—17.

NOES—Messrs. Freeman, Green, Hunter, Johnson, Lewis, Maclay, Mizner, Pendegast, Pratt, Teegarden—10.

So the bill was passed.

Mr. Curtis gave notice of a motion to reconsider.

Senate Bill No. 162—An Act to provide for the choosing Electors of President and Vice President of the United States.

Section three was stricken out, and the bill ordered engrossed.

Senate Bill No. 99—An Act for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco.

Read a third time and passed.

Senate Bill No. 119—An Act regulating the vending of liquors at retail.

Mr. Pearce moved a call of the Senate.

Lost.

The ayes and noes were demanded by Messrs. Pearce, Johnson, and Hunter on the passage of the bill.

The vote was as follows:

AYES—Messrs. Belden, Bradley, Chappell, Ewer, Heacock, Lewis,

Maclay, Mizner, Morrill, Murch, Perley, Pratt, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

NOES—Messrs. Beach, Freeman, Green, Hardy, Hunter, Johnson, Lawrence, Pearce, Pendegast—9.

So the bill was read a third time and passed.

Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County.

Read a third time and passed.

Senate Bill No. 193—An Act to authorize D. W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County.

Read third time and passed.

Senate Bill No. 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco.

On the passage of the bill the ayes and noes were demanded by Messrs. Pearce, Belden and Maclay.

The vote was as follows :

AYES—Messrs. Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Pendegast, Perley, Pratt, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—29.

NOES—Messrs. Belden, Pearce—2.

So the bill was passed.

On motion of Mr. Pendegast, Senate Bill No. 177 was ordered to top of file for Tuesday next.

Assembly Bill No. 112 was taken from the file and referred to the Judiciary Committee.

Assembly Bill No. 60—An Act to restrict the herding of sheep and goats in the County of San Diego.

Taken from file and referred to the Judiciary Committee.

Assembly Bill No. 160—An Act to amend section ten of the Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Read third time and passed.

Assembly Bill No. 217 was taken from file and referred to Judiciary Committee

Senate Bill No. 159—An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 175 was taken from file and referred to the Judiciary Committee.

Senate Bill No. 143 was passed on file.

REPORT.

The rules were suspended for the following report by Mr. Green :

MR. PRESIDENT: The committee to whom was referred Assembly Bill No. 196—An Act to authorize the construction of a wagon road from

Lafayette, in Contra Costa County, to the boundary line of Alameda County—report the same back with amendment.

GREEN, for Committee.

GENERAL FILE RESUMED.

Assembly Bill No. 242—An Act to amend an Act entitled an Act changing the times of assessing the value of real and personal property and collecting the taxes levied thereon for State and county purposes in the County of Sierra, approved February twentieth, eighteen hundred and sixty-six.

Read third time and passed.

Assembly Bill No. 259—An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte.

Read third time and passed.

Senate Bill No. 187—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street, between Brannan and King streets, in said city and county.

Amendment reported to title adopted, and bill read a third time and passed.

Assembly Bill No. 202 was passed on file.

Assembly Bill No. 166 was passed on file.

Assembly Bill No. 261 was passed on file.

Substitute for Assembly Concurrent Resolution No. 21, relative to instructing the Committee on Public Buildings to examine into the condition and progress of the Capitol building now in progress of erection, the manner in which materials have been procured, and the business done in connection therewith.

The Committee on Public Buildings, to whom was referred the original resolution and a substitute proposed therefor by Mr. Johnson, having reported a recommendation to adopt the Assembly resolution, Mr. Johnson raised a point of order that the Senate could not again consider that resolution, having once adopted a substitute for it as offered by him.

The Chair (Mr. Mandeville) decided the point of order not well taken, as the Chair could not go behind the committee report.

Mr. Johnson appealed from the decision.

On the question, Shall the decision of the Chair stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Johnson, Pearce and Heacock.

The vote was as follows:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Lewis, Mizner, Morrill, March, Pratt, Robinson, Rose, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—26.

NOES—Messrs. Johnson, Pearce—2.

So the decision of the Chair was sustained.

Mr. Johnson moved to amend the committee report by striking out the Assembly resolution from the recommendation and inserting the substitute offered by him.

On adopting the motion the ayes and noes were demanded by Messrs. Heacock, Johnson and Lewis.

Mr. Hager moved to lay the whole subject on the table.

Lost.

The motion of Mr. Johnson was adopted.

By unanimous leave, Mr. Johnson withdrew a resolution on this subject codified by him by request of the Senate.

The Senate substitute for the Assembly concurrent resolution was amended, on motion of Mr. Beach, and as amended was finally adopted by the Senate.

On motion of Mr. Lewis, the Senate at three o'clock and fifty-two minutes adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, February 6th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday was read and, being amended by substituting "engrossed" for the word "codified," in reference to a substitute offered by Mr. Johnson for an Assembly concurrent resolution, was approved.

PETITIONS.

Petitions were presented as follows :

By Mr. Tweed—Of citizens of Placer, relative to the alleged excessive rates of fare and freight on the line of the Central Pacific Railroad.

Laid on the table.

By Mr. Lewis—Of taxpayers in Tehama County relative to a bill before the Legislature for the relief of the bondsmen of Allen Hall.

MESSAGE FROM THE ASSEMBLY.

On motion of Mr. Mandeville the rules were suspended and the Senate took up a message from the Assembly.

ASSEMBLY CHAMBER,
February 6th, 1868. }

MR. PRESIDENT: The Assembly passed, January twenty-eighth, Assembly Concurrent Resolution No. 26, asking postal facilities from Red Bluff, in Tehama County, to Yreka, Siskiyou County.

Also, Assembly Joint Resolution No. 8, relative to erecting a lighthouse at the Town of Trinity.

Also, January thirty-first, Assembly Concurrent Resolution No. 37, relative to printing the report of Joint Committee to investigate the proceedings of State Harbor Commissioners.

Also, January thirtieth, passed Assembly Bill No. 190, granting to W. W. Wadsworth and his assigns the right to maintain a wharf and railroad in Santa Cruz County.

Also passed, January twenty-seventh, Assembly Bill No. 165—An Act to authorize Z. B. Hayward and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County.

Also passed, January thirty-first, Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six.

Also passed, January twenty-ninth, Assembly Bill No. 211—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Alameda County.

Also passed, January thirty-first, Assembly Bill No. 283—An Act to provide for re-indexing the county records of San Mateo County.

Also passed Assembly Bill No. 303—An Act in relation to the public schools in the City of Sacramento.

Also passed, February first, Senate Bill No. 78 (substitute for Senate Bill No. 78)—An Act to authorize persons against whom judgment has been rendered upon a conviction for felony to testify as witnesses in certain cases.

Also passed, January thirty-first, Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes.

Also passed, February fourth, Assembly Bill No. 285—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty, and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

Also, February first, Assembly Bill No. 132 (substitute for Assembly Bill No. 132)—An Act to define the compensation of the Superintendent of Common Schools for the County of Lake.

Also, Assembly Bill No. 304—An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four.

Also, February fourth, Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to act as County Superintendent of Common Schools.

Also, Assembly Bill No. 22—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May fifteenth, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight.

Also, on January thirty-first, refused to recede from their amendment to Senate Concurrent Resolution No. 44, relative to appointment of Joint

Committee of four to investigate certain charges of corruption, etc., and appointed Messrs. Farish, Biggs and Angney a Committee of Conference.

W. S. BYRNE,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Joint Resolution No. 8, above reported, was read first and second times and referred to Committee on Commerce and Navigation.

Assembly Concurrent Resolution No. 26, above reported, was read first and second times and referred to Committee on Federal Relations.

The Senate concurred in Assembly Concurrent Resolution No. 37, above reported.

The Assembly having refused to recede from its amendment to Senate Concurrent Resolution No. 44, above reported, and appointed a Committee of Conference on the part of the Assembly on the disagreeing vote of the two houses, on motion of Mr. Heacock, it was

Resolved, That Messrs. Pendegast, Morrill and Teegarden be appointed a Committee of Conference on the part of the Senate to confer with a like committee of the House, upon the disagreeing vote of the two houses upon Senate Concurrent Resolution No. 44, relative to certain charges of bribery and corruption in the late Senatorial election.

Adopted.

Assembly Bill No. 22, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 132, above reported, was read first and second times and placed on file.

Assembly Bill No. 285, above reported, was read first and second times and placed on file.

Assembly Bill No. 303, above reported, was read first and second times and placed on file.

Assembly Bill No. 150, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 165, above reported, was read first and second times and referred to Sacramento delegation.

Assembly Bill No. 190, above reported, was read first and second times and referred to Santa Cruz delegation.

Assembly Bill No. 211, above reported, read first and second times and, with some official documents relative to the subject matter of the bill, referred to Committee on Claims.

Assembly Bill No. 283, above reported, was read first and second times and referred to San Mateo delegation.

Assembly Bill No. 394, above reported, was read first and second times and referred to the El Dorado delegation.

The Senate refused to concur in Assembly amendments to Senate Bill No. 116, above reported.

PETITIONS.

Further petitions were presented as follows:

By Mr. Tweed—Of citizens of Placer relative to rates of fare and freight on the Central Pacific Railroad

Laid on the table.

By Mr. Tweed—Of citizens remonstrating against a repeal of the Sunday Laws.

Referred to the Committee on Public Morals.

By Mr. Rose—A petition and accompanying report of the managers of the Magdalen Asylum of San Francisco, respecting the affairs of that institution.

It was moved that the petition and report be referred to the Committee on Finance and ordered printed.

The ayes and noes were demanded by Messrs. Rose, Shaw and Lawrence.

The vote was as follows :

AYES—Messrs. Banning, Beach, Belden, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Shaw, Teegarden, Tweed, Wolcott—33.

NOES—Messrs. Bradley, Murch, Tabbs, Wadsworth—4.

So the motion was carried.

[For petition and report, see Appendix.]

By Mr Shaw—A statement of the distribution made by Archbishop Alemany of the appropriation of fifteen thousand dollars by the Legislature of eighteen hundred and sixty-five and eighteen hundred and sixty-six, for the Roman Catholic Orphan Asylums.

RECESS.

The rules being suspended, on motion of Mr. Pendegast, the Senate resolved to take a recess this day from one to two o'clock P. M., in order to allow the Committee of Conference to consult on the disagreeing vote of the two houses on Senate Concurrent Resolution No. 44, respecting an investigation of the alleged Senatorial bribery case.

REPORTS.

Mr. Tubbs, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six—having had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 157—An Act to amend section eighty-one, Article six thousand two hundred and thirty, of the Revenue Act of the State of California—report the same back and recommend its indefinite postponement, a similar Act having already passed the Senate.

Also, Assembly Bill No. 156—An Act concerning assessment rolls and other official proceedings to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors and defects therein—report the same back and recommend its reference to Joint Committee on revising the Revenue Laws.

Also, Assembly Bill No. 153—An Act to provide for obtaining correct statements of the financial condition of the several counties of this State—report the same back with an amendment and recommend its passage as amended.

TUBBS, Chairman.

Mr. Robinson, Chairman of the Committee on Education, reported as follows:

MR. PRESIDENT: The Committee on Education, to whom was referred Senate Bill No. 218—An Act to incorporate Hesperian College, Woodland, Yolo County, California—have duly considered the same and recommend that the bill do not pass.

ROBINSON, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Concurrent Resolution No. 27, relative to a mail route between Oroville and Laporte.

Also, Senate Concurrent Resolution No. 28, relative to a mail route between Oroville and Susanville.

Also, Senate Concurrent Resolution No. 37, authorizing the Enrolling Clerk to insert an enacting clause in Senate Bill No. 70.

Also, Senate Concurrent Resolution No. 38, relative to engrossing bills.

Also, Senate Concurrent Resolution No. 39, directing the Hospital Committee of each house to visit certain public institutions.

Also, Senate Concurrent Resolution No. 42, instructing the Committees on State Hospitals to specially examine into and report to their respective houses upon certain subjects therein named.

Also, Senate Concurrent Resolution No. 47, providing for the payment of expenses incurred by the Special Joint Committee of the two houses appointed to investigate the affairs of the State Harbor Commissioners.

MURCH, Chairman.

Mr. Tweed, from the Judiciary Committee, made the following report:

MR. PRESIDENT: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 56, ask leave to report a substitute for said bill and recommend its adoption and passage.

TWEED,
WOLCOTT.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 71—An Act to authorize Joseph E. N. Lewis to float certain school land warrants issued under an Act entitled an Act to dispose of the five hundred thousand acres of land granted to this State by

Act of Congress passed April fourth, eighteen hundred and forty-one, approved May third, eighteen hundred and fifty-two—have had the same under consideration, report it back and recommend that it be indefinitely postponed.

Also, Senate Bill No. 89—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, to sell certain property at private sale—report the same back with a substitute, and recommend the adoption of the substitute.

BELDEN, Chairman.

MOTION TO RECONSIDER.

Mr. Curtis, according to notice, moved a reconsideration of the vote whereby the Senate yesterday passed Senate Bill No. 97.

The ayes and noes were demanded by Messrs. Johnson, Belden and Lawrence.

The vote was as follows :

AYES—Messrs. Banning, Bradley, Chappell, Conly, Curtis, Freeman, Green, Heacock, Hunter, Johnson, Lewis, Pearce, Pendegast, Pratt, Rose, Shaw, Wolcott—17.

NOES—Messrs. Beach, Belden, Conn, Hager, Hardy, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murch, Pearce, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth—20.

So the Senate refused to reconsider.

INTRODUCTION OF BILLS.

The rules being suspended, the following bills were introduced by leave.

By Mr. Shaw—An Act to create the office of State Geologist and to define the duties thereof.

Read first and second times and referred to Committee on Finance.

Also, an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Belden—An Act to punish assaults with caustic or corrosive liquids and substances.

Read first and second times and referred to Judiciary Committee.

By Mr. Tweed—An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto.

Read first and second times and referred to Judiciary Committee.

By Mr. Pearce—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma Valley.

Read first and second times and referred to Committee on Commerce and Navigation.

REPORTS.

Mr. Kincaid, from the San Mateo delegation, made the following report :

Mr. PRESIDENT: The delegation to whom was referred Senate Bill No. 231 would respectfully report the same back and recommend its passage.

KINCAID, for Delegation.

Mr. Lawrence, from the Mariposa delegation, made the following report:

Mr. PRESIDENT: The delegation to whom was referred Assembly Bill No. 248—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures—having had the same under consideration, would respectfully recommend its passage.

LAWRENCE, for Delegation.

Mr. Heacock, from the Sacramento delegation, made the following report:

Mr. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 168—An Act for the relief of the Treasurer of Sacramento County—have had the same under consideration and report the same back and recommend its passage.

CURTIS,
HEACOCK.

Leave of absence was granted to Mr. Mizner for two days, and to Mr. Saunders for one day.

Mr. Roberts asked unanimous leave to be recorded as having voted in favor of the passage of Senate Bill No. 119—An Act to regulate the vending of liquors at retail—he being absent when the vote was taken thereupon.

Mr. Curtis asked for and obtained similar leave.

GENERAL FILE.

Senate Joint Resolution No. 45, relative to railroad lands.

Mr. Heacock offered an amendment, which, with the original resolution, was ordered printed and placed on top of file for Tuesday next.

At one o'clock p. m. the Senate, according to resolution, took a recess for one hour.

REASSEMBLED.

At two o'clock the Senate reassembled.

President in the chair.

Roll called.

Quorum present.

GENERAL FILE RESUMED.

Senate Bill No. 92—An Act to provide for the payment of the indebtedness of Lassen County.

Read third time and passed.

Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General.

Read a third time and passed.

Senate Bill No. 171—An Act to confer additional powers upon the

Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board.

Read third time and passed.

Senate Bill No. 173—An Act to authorize Cyrus Cheeny and associates to build and maintain a wharf on the San Joaquin River, at Antioch.

Read third time and passed.

Senate Bill No. 189—An Act to amend an Act entitled an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 194—An Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad, railroad wharf and toll bridge, in Mendocino County.

Read a third time and passed.

Senate Bill No. 203—An Act to amend an Act concerning ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five.

Read a third time and passed.

Senate Bill No. 147—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session.

Read a third time and passed.

Assembly Bill No. 64—An Act to authorize Thomas D. Mott, S. Haley, A. J. King, George Carson, and associates, to build a wharf, or wharves, at the Port of San Pedro, in the County of Los Angeles.

Read third time and passed.

Assembly Bill No. 23—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

Read third time and passed.

Assembly Bill No. 164—An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works.

Read third time and passed.

Senate Bill No. 123 was continued on file.

Senate Bill No. 238 was continued on file.

Senate Bill No. 137 was continued on file.

Senate Bill No. 2 was continued on file.

Senate Bill No. 96 was ordered on top of file for Tuesday next.

Senate Bill No. 147 was ordered on top of file for Tuesday next.

Senate Bill No. 176 was ordered on top of file for Tuesday next.

Senate Bill No. 129 was ordered on top of file for Tuesday next.

Assembly Bill No. 55—An Act to authorize the County Clerk of the City and County of San Francisco to appoint Deputy Clerks for the Fifteenth Judicial District Court of said city and county.

Substitute reported and adopted, read a third time and passed.

Assembly Bill No. 239 (substitute for Assembly Bill No. 108)—An Act for the relief of T. A. Brady.

The reported substitute was adopted.

Mr. Roberts moved to refer the bill, with instructions, to the Judiciary Committee, and to report at an early day.

The ayes and noes were demanded by Messrs. Hager, Shaw and Roberts.

The vote was as follows:

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Hunter, Murch, Pearce, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth—20.

NOES—Messrs. Freeman, Hager, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose, Shaw—14.

So the motion was carried.

Assembly Concurrent Resolution No. 33 (substitute for Assembly Concurrent Resolution No. 7), concerning bounty due the men composing the First Battalion of Mountaineers, California Volunteer Infantry.

Read third time and passed.

Senate Bill No. 239—An Act to provide for grading the public alleys and the construction of sewers therein, in the City of Sacramento.

Ordered engrossed.

Senate Bill No. 240—An Act to define the limits of the wards, and the Supervisor and school districts of the City of Sacramento.

Ordered engrossed.

In connection with the consideration of the foregoing bills, Mr. Heacock presented the following resolution adopted by the Trustees of the City of Sacramento.

“Resolved, That we hereby recommend the passage by the Legislature of the following entitled bills:

“An Act to provide for grading the public alleys and the construction of sewers therein, in the City of Sacramento.

“Also, an Act to define the limits of the wards, Supervisor and school districts of the City of Sacramento.

“SACRAMENTO, February 3d, 1868.”

“I hereby certify that at a regular meeting of the Board of Trustees of the City of Sacramento, held at their office this day, the above resolution was unanimously passed by said Board.

“JOHN MCCLINTOCK,

“Clerk of Board of Trustees.”

Senate Bill No. 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for establishing gas works in Los Angeles City.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 15—An Act to declare Thomas Jefferson Clunie, a minor, of lawful age.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Substitute adopted and ordered engrossed.

Senate Bill No. 43—An Act to provide for the creation of a Board of Commissioners for Immigrant Aid.

Indefinitely postponed.

Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo.

Referred to delegation from San Luis Obispo.

Senate Bill No. 91 was laid on the table.

REPORT.

Mr. Pendegast, from the Joint Committee on Conference, made the following report:

MR. PRESIDENT: Your Committee of Free Conference on the disagreeing vote of the Senate and Assembly on Senate Concurrent Resolution No. 44, relative to appointment of Joint Committee of four from the Senate and four from the Assembly to investigate certain charges of corruption and allegations in relation to the last Senatorial election, having duly considered the premises, beg leave to submit the following report:

Your committee find it impossible to agree upon the adoption of the resolution, either with or without the House amendment, and should, perhaps, report the fact of this disagreement as the sole result of their conference and ask to be discharged.

But your committee are so fully impressed with the importance of the subject presented for their consideration, that they are willing to incur the charge of presumption in offering to the Senate and Assembly a suggestion and a resolution.

There seems to be a difference between the two branches of the Legislature upon a collateral question which has, perhaps, more than anything else, tended to produce this disagreement. The members of the Assembly seem to entertain the opinion that the subject of the resolution is a matter for separate, rather than joint action. The majority of the committee seem to coincide in this view.

The committee is unanimous on one subject: that an investigation ought to be had if the charges mentioned in the resolution are properly made—but the committee differ as to whether the charges are sufficiently specific at the present time.

In order, therefore, that the members of each house may be enabled to proceed in the matter according to their separate and differing views, your committee, by a vote of the majority thereof, recommend the adoption of the following resolution:

Resolved, That the further consideration of Senate Joint Resolution No. 44 be indefinitely postponed.

PENDEGAST,
MORRILL,
Senate Committee.

FARISH,
ANGNEY,
BIGGS,
Assembly Committee.

Mr. Pearce moved to make the consideration of the report the special order for to-morrow at half-past eleven o'clock.

Mr. Mandeville demanded the previous question, which was ordered. The motion of Mr. Pearce was lost.

Upon the adoption of the report and resolution the ayes and noes were demanded by Messrs. Pearce, Mandeville and Maclay.

The vote was as follows:

AYES—Messrs. Banning, Beach, Belden, Chappell, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Pratt, Rose, Shaw, Tubbs, Tweed—26.

NOES—Messrs. Chappell, Hager, Murch, Pearce, Perley, Roberts, Robinson, Teegarden, Wadsworth—9.

So the report and resolution were adopted.

GENERAL FILE RESUMED.

Senate Bill No. 56 (substitute for Senate Bill No. 13)—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments.

The bill was made, together with a minority substitute, a special order for Friday, February twenty-first, at half-past eleven o'clock A. M.

Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Amendment adopted, and bill ordered engrossed.

Senate Bill No. 101 was laid on the table.

Senate Bill No. 243 was taken from file and referred to Committee on Finance.

Assembly Bill No. 196 was ordered to top of file for next Tuesday.

Senate Bill No. 143 was ordered to top of file for to-morrow.

Assembly Bill No. 166—An Act to define the boundary line between Merced and Stanislaus Counties.

Read third time and passed.

Assembly Bill No. 261—An Act to regulate the election of Supervisors in the County of Merced.

Read third time and passed.

The Senate having concluded the general file, at four o'clock and thirty minutes P. M., on motion of Mr. Murphy, adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Friday, February 7th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

INVITATION TO VISIT SAN JOSÉ.

The President submitted a communication to the Lieutenant-Governor, which read as follows :

SAN JOSÉ, February 6th, 1868.

Hon. WILLIAM HOLDEN,

Lieutenant-Governor,

Sacramento :

DEAR SIR : I herewith transmit to you copies of resolutions passed by the Board of Supervisors of the County of Santa Clara, of which I am Chairman, and also a resolution of the Common Council of the City of San José, of which I am the presiding officer; and in the name of our city and county request you to lay the same before the Senate for their consideration. Should the Senate or Assembly, or the members thereof, accept our invitation to visit San José, a special train, free of charge to them and their friends, will be at their disposal on the San José and San Francisco Railroad, to come and go when they please.

With great respect, your obedient servant,

J. A. QUIMBY.

"At special meeting of the Mayor and Common Council of the City of San José, held January twenty-seventh, A. D. eighteen hundred and sixty-eight—Present, Mayor Quimby, presiding; and Councilmen Clayton, King, Porter, Leighton and Smith—the following resolution was read and adopted unanimously :

"*Resolved*, That the Mayor and Common Council tender to the State forever, one of the public squares of this city for the erection thereon of public buildings for State Capitol uses, and that the Legislature be allowed to make the selection of the square."

STATE OF CALIFORNIA, County of Santa Clara, ss :

I, John T. Colahan, City Clerk in and for the City of San José, county and State aforesaid, do hereby certify that the foregoing is a true and correct extract from the proceedings of the Common Council of the City

of San José, of January twenty-seventh, eighteen hundred and sixty-eight.

Witness my hand and the seal of said city this fifth day of February, A. D. eighteen hundred and sixty-eight.

JOHN T. COLAHAN,
City Clerk.

"At a regular meeting of the Board of Supervisors of the County of Santa Clara, held on Tuesday, the fourth day of February, A. D. eighteen hundred and sixty-eight—Present, John A. Quimby, President of the Board; John Cook, Frank Sleeper and J. Q. A. Ballou, members of the Board, and A. E. Pomeroy, Clerk of the Board—the following resolution was unanimously adopted, to wit:

"*Resolved*, That in the event the General Assembly of the State of California determine to move the State Capital to the County of Santa Clara, the Board of Supervisors of the said County of Santa Clara, for and in behalf of said county, tender to the State the free and entire use of the Court-house of said county for State purposes, until such time as a Capitol building may be erected in said county; *provided*, that said Capitol building shall be erected within five years."

A true copy of the original order.

Attest, with seal:

A. E. POMEROY, Clerk:

"At a regular meeting of the Board of Supervisors of the County of Santa Clara duly held on Wednesday, the fifth day of February, A. D. eighteen hundred and sixty-eight—Present, John A. Quimby, Chairman of the Board; Frank Sleeper, John Q. A. Ballou and John Cook, members of the Board, and A. E. Pomeroy, Clerk of the Board—the following resolution was unanimously adopted, to wit:

"*Resolved*, That the honorable the members of the Legislature of the State of California and the attachés thereof, one and all, are hereby invited and solicited to visit the City of San José and examine for themselves its eligibility as the seat of government of this State, prior to any final action by either of the houses on the measures now pending touching that subject matter; and that the hospitalities of the city and county will be cordially extended to them."

A true copy.

Attest, with seal of County Court, this fifth day of February, A. D. eighteen hundred and sixty-eight.

A. E. POMEROY, Clerk.

By EDGAR POMEROY, Deputy.

Mr. Murphy moved to accept the courteous invitation of the Mayor and authorities of San José.

Mr. Curtis offered as a substitute that the invitation be acknowledged and the thanks of the Senate be tendered to the Mayor and Common Council of the City of San José for such invitation, but that owing to the press of public business it is impracticable to accept the invitation.

Lost.

Mr. Maclay offered the following:

Resolved, That the Senate adjourn to-morrow at one o'clock P. M., to meet again on Tuesday next at eleven o'clock A. M., in order to accept the invitation extended by the authorities of San José.

The ayes and noes were demanded by Messrs. Wadsworth, Murch and Maclay.

The vote was as follows:

AYES—Messrs. Banning, Freeman, Green, Hager, Hardy, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Pratt, Roberts, Robinson, Rose, Shaw, Wolcott—22.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Heacock, Hunter, Murch, Perley, Teegarden, Tubbs, Tweed, Wadsworth—14.

So the resolution was adopted.

INVESTIGATION.

The rules were suspended for the following, offered by Mr. Teegarden:

Resolved, That the Senate appoint a Committee to investigate the charges of bribery and corruption in the late election of United States Senator.

Mr. Lewis moved to indefinitely postpone the resolution.

Mr. Mandeville demanded the previous question, and on ordering the same the ayes and noes were demanded by Messrs. Hager, Pearce and Lawrence.

The vote was as follows:

AYES—Messrs. Banning, Belden, Chappell, Freeman, Green, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Perley, Pratt, Rose, Shaw, Tubbs—22.

NOES—Messrs. Bradley, Hager, Pearce, Pendegast, Roberts, Robinson, Teegarden, Tweed, Wadsworth, Wolcott—10.

So the previous question was ordered.

On the motion of Mr. Lewis, the ayes and noes were demanded by Messrs. Pearce, Johnson and Lewis.

The vote was as follows:

AYES—Messrs. Banning, Belden, Chappell, Freeman, Green, Hardy, Heacock, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Murphy, Pratt, Robinson, Rose, Shaw, Teegarden, Tubbs—23.

NOES—Messrs. Bradley, Hager, Johnson, Pearce, Pendegast, Perley, Roberts, Tweed, Wadsworth, Wolcott—10.

So the motion to indefinitely postpone was carried.

Mr. Johnson gave notice of a motion to reconsider.

Mr. Beach, at twelve o'clock and forty minutes P. M., moved an adjournment until half-past one o'clock.

So the motion was carried.

REASSEMBLED.

At half-past one o'clock P. M., the Senate reassembled.

President in the chair.

Roll called.

Quorum present.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 94—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals.

Also, Senate Bill No. 159—An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco.

Also, Senate Bill No. 162—An Act to provide for the choosing Electors of President and Vice President of the United States.

Also, Senate Bill No. 187—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street, between Brannan and King streets, in said city and county.

Also, Senate Bill No. 15—An Act to declare Thomas Jefferson Clunie, a minor, of lawful age.

WADSWORTH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled Senate Concurrent Resolution No. 1, relative to informing the Governor of the organization of the Legislature.

Also, Senate Concurrent Resolution No. 2, relative to meeting in Joint Convention.

Also, Senate Concurrent Resolution No. 7, relative to general file.

Also, Senate Concurrent Resolution No. 8, relative to printing the laws of the present session in Spanish.

Also, Senate Concurrent Resolution No. 12, relative to the construction of a breakwater at Wilmington.

Also, Senate Concurrent Resolution No. 14, relative to raising the National flag over the Capitol building.

Also, Senate substitute for Assembly Concurrent Resolution No. 14, relative to printing report of the engineers of the Sacramento Canal.

Also, Senate Concurrent Resolution No. 16, appointing committee to investigate the proceedings of the State Harbor Commissioners, etc.

Also, Senate Concurrent Resolution No. 20, extending an invitation to Professor J. D. Whitney, State Geologist, to address the members of the Legislature.

Also, Senate Concurrent Resolution No. 41, directing the State Hospital Committees to investigate charges of cruelty against the Superintendent of the State Reform School.

MURCH, Chairman.

GENERAL FILE.

*Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California.

Ordered engrossed.

Senate Bills Nos. 8 and 107—Acts to limit the hours of labor.

On motion of Mr. Mandeville, the bills were taken from the file and laid on the table, to be again considered when the Assembly Bill on the same subject shall be reported by the Judiciary Committee.

Senate Bill No. 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six.

The rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Pearce gave notice of a motion to reconsider.

Mr. Mandeville moved to suspend the rules to reconsider the vote whereby the Senate yesterday adopted Senate substitute for Assembly Bill No. 55—An Act to authorize the County Clerk of the City and County of San Francisco to appoint Deputy Clerks for the Fifteenth Judicial District Court of said city and county.

The Senate refused to suspend the rules.

REPORTS.

Mr. Perley, Chairman of the Committee on Agriculture, presented the following report:

MR. PRESIDENT: The undersigned members of the Agricultural Committee have had under consideration Senate Bill No. 152—An Act to prevent fires in the farming and grazing districts—and report a substitute and recommend its passage.

PERLEY.
McDOUGALL.

Mr. Wolcott, Chairman of the Committee on Public Lands, reported as follows:

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Assembly Bill No. 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government for the purpose of constructing public roads in said counties; together with Assembly Joint Resolution No. 7, memorial concerning lands to be granted to certain counties therein named, for the purpose of constructing roads—do now report the same back and recommend the passage of the same,

Your committee further report that they have considered Assembly Concurrent Resolution No. 25, relative to the land granted the State for the benefit of an Agricultural College; also, Assembly Bill No. 106—An Act to pay for services rendered in the State Land Department—and now report the same back and recommend their passage.

WOLCOTT, Chairman.

Mr. Wadsworth presented a report from the Committee on Contingent Expenses, and a resolution authorizing the payment of certain accounts.

Mr. Heacock, from the Sacramento delegation, made the following report:

MR. PRESIDENT: The Sacramento delegation to whom was referred Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six, so as to extend the provisions thereof as in this Act provided—ask leave to report the same back with the recommendation that it be referred to the delegations from Shasta, Colusa, Tehama, Sonoma and Sierra Counties, those counties only being affected by the bill.

CURTIS,
HEACOCK.

Mr. McDougall verbally reported recommending the passage of Assembly Bill No. 150.

Mr. Murphy also reported Senate Bill No. 7 without recommendation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 5th, 1868.

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 108—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

Also, Senate Bill No. 128—An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 132—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

Also, Senate Bill No. 65—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Also, Senate Bill No. 76—An Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

I also transmit herewith the biennial report of the transactions of the State Agricultural Society for eighteen hundred and sixty-six and

eighteen hundred and sixty-seven. As there is but one copy I respectfully request that the Assembly be informed of its reception.

H. H. HAIGHT, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }
February 7th, 1868. }

MR. PRESIDENT: The Assembly on this day concurred in Senate substitute for Assembly Concurrent Resolution No. 21, with an amendment, and respectfully ask the concurrence of the Senate in said amendment.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

The Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 21, above reported.

INTRODUCTION OF BILLS.

Mr. Lewis, according to notice, introduced a bill for an Act conferring further powers upon the Board of State Harbor Commissioners.

Read first and second times, ordered printed and placed on file

By leave, bills were introduced without previous notice, as follows:

By Mr. Tweed—An Act supplementary to an Act entitled an Act to regulate proceeding in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times and referred to Judiciary Committee.

Also, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty one.

Read first and second times and referred to Judiciary Committee.

By Mr. Green—An Act amendatory of and supplementary to an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to Committee on Swamp and Overflowed Lands.

By Mr. Hunter—An Act to authorize the Board of Supervisors of the County of El Dorado to levy an additional tax for county purposes.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Robinson—A proposed amendment to section three of Article one, of the Constitution.

Read first and second times and referred to Judiciary Committee, and ordered printed.

By Mr. Pearce—An Act to amend an Act entitled an Act in relation to road and highways in the County of Sonoma; to provide for the election of one County Commissioner of Roads and Highways and pre-

scribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

Read first and second times and placed on file.

Also, an Act to authorize the County of Sonoma to donate bonds to a railroad company and to provide for the payment of the same.

Read first and second times and referred to the Sonoma, Napa and Solano delegations and ordered printed.

By Mr. Tubbs—An Act to appropriate money for the purchase of safes for the State Treasurer's office.

*Read first and second times and placed on file.

REPORTS.

Mr. Mandeville moved to take from the table a report of the Committee on Printing in relation to the testimony taken by the special committee charged with the investigation of the alleged unlawful disposition of furniture, etc., purchased for the use of the Senate at its last session.

The motion was adopted and the Senate ordered double the usual number of copies of the report and the testimony whereon it is based, to be printed.

[For report see Appendix.]

Leave of absence for two days was granted Mr. Saunders.

The rules were suspended and Mr. Wadsworth, from the committee of investigation in relation to the disposal of furniture, presented the following fee bill of the Sergeant-at-Arms:

SACRAMENTO, February 5th, 1868.

STATE OF CALIFORNIA,

To F. S. Lardner, Sergeant-at-Arms, Senate, Dr.

To service of papers for Senate Furniture Investigating Committee as follows:

Services.	Amount.
To making copy and serving papers on J. H. Moran.....	\$ 2 00
Mileage to and from Napa, 380 miles at twenty cents per mile..	76 00
Making copy and serving papers on B. B. Redding.....	2 00
Making copy and serving papers on George Whitlock.....	2 00
Total.....	\$82 00

Referred to the Committee on Mileage.

SPECIAL ORDER.

On motion of Mr. Roberts, the special order for Monday next was continued for the following day at the same hour.

GENERAL FILE RESUMED.

Senate Bill No. 157—An Act to amend section eighty-one, Article six thousand two hundred and thirty, of the Revenue Act of the State of California.

Indefinitely postponed.

Senate Bill No. 71—An Act to authorize Joseph E. N. Lewis to float certain school land warrants issued under an Act entitled an Act to dispose of the five hundred thousand acres of land granted to this State by Act of Congress passed April fourth, eighteen hundred and forty-one, approved May third, eighteen hundred and fifty-two.

Indefinitely postponed.

Assembly Bill No. 153—An Act to provide for obtaining correct statements of the financial condition of the several counties of this State.

Reported amendments adopted, and bill read a third time and passed.

Senate Bill No. 89—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, to sell certain property at private sale.

Reported substitute adopted, and bill ordered engrossed.

Senate Bill No. 231—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expense and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Ordered engrossed.

Assembly Bill No. 248—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

Read third time and passed.

Assembly Bill No. 303—An Act in relation to the public schools in the City of Sacramento.

Read third time and passed.

Assembly Bill No. 132 (substitute for Assembly Bill No. 132)—An Act to define the compensation of the Superintendent of Common Schools for the County of Lake.

Read a third time and passed.

Assembly Bill No. 285—An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased to sell and convey real estate, approved April sixth, eighteen hundred and sixty, and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one.

Read a third time and passed.

Senate Bill No. 218 was continued on file.

Senate Bill No. 238 was continued on file.

Senate Bill No. 123 was continued on file.

Senate Bill No. 2 was continued on file.

Senate Bill No. 137 was continued on file.

Assembly Bill No. 168 was taken from the file and referred to the Committee on Claims.

On motion of Mr. Green, at three o'clock and thirty minutes, the Senate, having concluded the general file, adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, February 8th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Chappell moved that the Senate adjourn, following the example of the Assembly, in respect to Honorable T. E. Jones, of Trinity, whose wife deceased two days since.

The ayes and noes on adjournment were demanded by Messrs. Johnson, Mizner and Chappell.

The vote was as follows :

AYES—Messrs. Beach, Belden, Chappell, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Murphy, Pearce, Perley, Pratt, Robinson, Rose, Shaw, Teegarden, Tubbs, Wadsworth—27.

NOES—Messrs. Bradley, Hager, Johnson, Mizner, Pendegast, Roberts, Wolcott—7.

Therefore, at eleven o'clock and thirty minutes A. M., the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 11th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. I. E. Dwinell.

Journal of Saturday, February eighth, read and approved.

Leave of absence was granted to Mr. Beach for two days, and to Messrs. Pendegast, Roberts and Conly, one day each.

PETITIONS.

Petitions were presented as follows :

By Mr. Tweed—Of citizens of Auburn relative to rates of fare and freight on the Central Pacific Railroad.

Laid on the table.

By Mr. Lawrence—Of citizens in Mariposa County for the appropriation of money to improve a certain road from the Big Tree Grove to the Yosemite Valley.

Referred to the Finance Committee.

By Mr. Lawrence—A remonstrance from property holders in the City of San Jose against a law authorizing the opening of Market street through Market Square in that city.

Referred to Santa Clara delegation.

By Mr. Hager—Of J. W. Raymond for an adjustment of certain claims and charges held by him against the Board of State Harbor Commissioners.

Referred to Committee on Commerce and Navigation.

REPORTS.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 205 (substitute for Assembly Bill No. —)—An Act to authorize Titus Hale, Austin Walrath, William McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the City of Monterey to the Rancho Natividad, and to construct a wharf at the City of Monterey—have had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo—have had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six—have had the same under consideration, amended the title, report the same back and recommend its passage as amended.

Your committee also recommend that Senate Bill No. 186—An Act to establish the office of State Shipping Commissioners of the Port of San Francisco, and to regulate the duties thereof—heretofore referred to them, being of great importance to the commercial interests of the State, that the same be printed.

MIZNER, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT: The Committee on Corporations have had under consideration Senate Bill No. 198—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara.

The second section confers upon the Trustees of said town authority to sell, at their own will and discretion, all of the lands belonging to said town, while it proposes no security or safeguard of any description for the faithful execution of the power or proper application of the proceeds of such sales. It also ratifies and confirms, so far as legislative authority can do it, all such sales heretofore made.

No facts are brought to the knowledge of the committee which tend

in any degree to justify so extraordinary an enactment, and we report back the bill recommending its indefinite postponement.

PRATT, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT: Your Committee on Corporations have had under consideration Senate Bill No. 241—An Act to authorize Henry Connelly, E. Martin, John B. Frisbie, their associates and assigns, to construct and maintain water works for the purpose of supplying the Town of Vallejo with pure fresh water; also, Assembly Bill No. 162—An Act to authorize J. E. Skidmore and others, to construct and maintain, own, hold and work a line or lines of telegraph in this State, between the Towns of San Mateo, in San Mateo County, and the Town of Pescadero, Santa Cruz County.

These proposed laws belong to the same class as Senate Bills Nos. 96, 142 and 176, recently reprobated by the Judiciary Committee of this body; their purpose and practical effect being, in our estimation, to create indirectly a corporation by special enactment for other than municipal purposes. Of such legislation, we entertain the same general opinions expressed by the Judiciary Committee in their report on the bills above referred to, and it is unnecessary to repeat the reasons assigned for those opinions. If not in direct violation, it would at least be an evasion of the provisions of the State Constitution on the subject of corporations.

Your committee are further of opinion, that all the rights and privileges sought or to be granted by the bills now under considerations, are attainable under the general laws for the organization of telegraph and water companies; and this being the case, we think the parties desiring to avail themselves of such rights and privileges should go to those general laws for that purpose, even if there were no constitutional objections to the present bills.

We feel constrained, therefore, to report these bills back with a recommendation that they do not pass.

PRATT, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 151—An Act to amend an Act entitled an Act, approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, A. D. eighteen hundred and fifty-three;

Also, Senate Bill No. 150—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty;

Also, Assembly Bill No. 120, the same being a substitute for Senate Bill No. 44—An Act to limit the hours of labor—having had these bills under consideration, report them back without amendments and recommend their passage.

Also, Senate Bill No. 26—An Act relating to homesteads—report the same back with amendments and recommend its passage as amended.

Also, Senate Bill No. 118—An Act to remove fences when erected upon the lands of others by mistake;

Also, Senate Bill No. 153—An Act concerning the insane convicts at the State Prison—report them back and recommend that they be indefinitely postponed.

BELDEN, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Concurrent Resolution No. 4, relative to the inauguration of Governor and Lieutenant-Governor.

Also, Senate Concurrent Resolution No. 30, instructing the Joint Committee on the Agricultural, Mining and Mechanical Arts College to examine certain books.

Also, Senate Concurrent Resolution No. 31, authorizing the Joint Committee of the Senate and Assembly, appointed to inquire into and investigate the proceedings of the State Harbor Commissioners, to employ a Sergeant-at-Arms, Clerk and such other assistants as they may deem proper.

Also, Senate Concurrent Resolution No. 32, appointing Joint Committee to prepare and report a bill amending and codifying the Revenue Laws of this State.

Also, Senate Concurrent Resolution No. 33, granting leave of absence to Joint Committee on Agricultural College and State University.

MURCH, Chairman.

Mr. Murch, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, substitute for Senate Bill No. 52—An Act entitled an Act to authorize the guardian of Victoriano Guerrero to sell certain real estate at private sale;

Also, Senate Bill No. 106—An Act to amend an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four;

Also, Senate Bill No. 133—An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries, and to provide for its organization, approved April second, eighteen hundred and sixty-six;

And on February eighth, at ten o'clock and thirty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Also, Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for establishing gas works in Los Angeles City.

Also, Senate Bill No. 239—An Act to provide for grading the public alleys and the construction of sewers therein, in the City of Sacramento.

Also, Senate Bill No. 240—An Act to define the limits of the wards and the Supervisor and school districts of the City of Sacramento.

WADSWORTH, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows:

By Mr. Robinson—An Act to provide funds for the School Department of the City of Oakland and to authorize the payment of certain present indebtedness.

Read first and second times and placed on file.

Also, an Act to establish and define the duties of the Board of Education of the City of Oakland.

Read first and second times and placed on file.

By Mr. Lawrence—An Act for the relief of J. D. Patterson.

Read first and second times and referred to Committee on Claims.

By Mr. Murch—An Act relative to adopted children.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Trustees and the officers thereof.

Read first and second times and referred to the Finance Committee.

Also, an Act to provide for an open canal through Channel street, in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

Read first and second times and referred to San Francisco delegation.

Also, an Act for the relief of F. Marriott.

Read first and second times and referred to the Judiciary Committee.

By Mr. Mizner—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims.

Read first and second times and placed on file.

Also, an Act to incorporate the Town of Suisun.

Read first and second times and referred to Committee on Corporations.

REPORT.

The rules were suspended, and Mr. Wolcott made the following report:

Mr. PRESIDENT: The Committee on Public Lands, to whom was referred Senate Bill No. 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests;

Also, Senate Bill No. 179—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta—have considered the same, and now report them back and recommend their passage.

WOLCOTT, Chairman.

The rules were again suspended, and by unanimous consent Mr. Mizner had leave to be recorded as having voted against the indefinite postponement of the bribery investigating resolutions.

GENERAL FILE.

Assembly Concurrent Resolution No. 45, relative to railroad lands, was continued on file.

Assembly Bill No. 196 was ordered to top of file for next Tuesday.

Senate Bill No. 96 was ordered to top of file for next Tuesday.

Senate Bill No. 196 was ordered to top of file for next Tuesday.

Senate Bill No. 176 was ordered to top of file for next Tuesday.

Senate Bill No. 142 was ordered to top of file for next Tuesday.

Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress.

On the passage of the bill the ayes and noes were demanded by Messrs. Lewis, Hardy and Green.

The vote was as follows:

AYES—Messrs. Belden, Bradley, Chappell, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Lewis, Mizner, Morrill, Murch, Pearce, Pratt, Robinson, Rose, Saunders, Tubbs, Wadsworth, Wolcott—21.

NOES—Messrs. Curtis, Hager, Lawrence—3.

So the bill was passed.

Mr. Shaw was allowed leave of absence for one day.

Mr. Rose gave notice of a motion to reconsider the vote whereby the bill passed.

Senate Bill No. 94—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals.

Read third time and passed.

Senate Bill No. 162—An Act to provide for the choosing Electors of President and Vice President of the United States.

Read third time and passed.

Senate Bill No. 187—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street between Bryant and King streets, in said city and county.

Read third time and passed.

Senate Bill No. 238—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano.

Ordered engrossed.

Senate Bill No. 123—An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith.

Mr. Hager moved to recommit the bill to the Judiciary Committee with instructions to report thereon and inform the Senate whether, in the opinion of the committee, the bill be in conflict with the Constitution of this State.

Lost.

On the passage of the bill the ayes and noes were demanded by Messrs. Belden, Hunter and Hager.

The vote was as follows :

AYES—Messrs. Bradley, Chappell, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Lewis, Mizner, Morrill, Murch, Rose, Saunders, Tubbs, Wadsworth, Wolcott—18.

NOES—Messrs. Belden, Hager, Hunter, Pearce—4.

So the bill was passed.

Senate Bill No. 2—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and of the Acts amendatory thereof and supplementary thereto.

Amendment reported adopted, and bill ordered engrossed.

Senate Bill No. 137—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Amendment reported adopted, and bill ordered engrossed.

Assembly Bill No. 49—An Act to authorize certain counties therein named to receive grants of land from the United States Government for the purpose of constructing public roads in said counties.

Read third time and passed.

Senate Joint Resolution No. 7, memorial concerning lands to be granted certain counties therein named for the purpose of constructing roads.

The County of Mendocino was embraced in the bill and the resolution was read a third time and passed.

Assembly Concurrent Resolution No. 25, relative to the land granted to the State for the benefit of an Agricultural College.

Amended, read a third time and passed.

Assembly Bill No. 106—An Act to pay for services rendered the State Land Department.

Read third time and passed.

Assembly Bill No. 255 was laid temporarily on the table.

Senate Bill No. 7 was recommitted to San Luis Obispo delegation.

REPORT.

The rules were suspended for the following report by Mr. Kincaid :

MR. PRESIDENT : The San Mateo delegation, to whom was referred Assembly Bill No. 283, would respectfully report the same back and recommend its passage.

KINCAID, for Delegation.

GENERAL FILE RESUMED.

Senate Bill No. 258—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 260—An Act to appropriate money for the purchase of safes for the State Treasurer's office.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 152 was laid temporarily on the table.

Senate Bill No. 218 was ordered to the bottom of the file for tomorrow.

The Senate adopted a report from the Committee on Contingent Expenses and an accompanying resolution authorizing the Controller to pay the same.

Senate Bill No. 177 was ordered to the bottom of the file for tomorrow.

Senate Bill No. 252 was referred to the Committee on Finance.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
February 11th, 1868. }

MR. PRESIDENT : The Assembly on February fourth passed Assembly Bill No. 96 (substitute for Assembly Bill No. 28)—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Also, Assembly Bill No. 298—An Act to grant to certain parties herein named the right to construct and maintain a turnpike or toll road from or near the Town of Millerton, Fresno County, to Crane Valley.

Also, Assembly Bill No. 292—An Act to authorize the Mayor and Common Council of the City of San Jose to open Market street through Market Plaza in said city.

Also, Assembly Bill No. 92—An Act to establish a Board of Health for the City and County of San Francisco.

Also, on February fifth, Assembly Bill No. 299—An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

Also, February fourth, Assembly Bill No. 19—An Act defining the rights and privileges and duties of coparceners, joint tenants, and tenants in common, in the occupation of lands and tenements held in common.

Also, February sixth, Assembly Bill No. 240—An Act granting to certain parties the right to construct a turnpike and gravel road within the County of San Joaquin.

Also return to Senate, properly engrossed, Assembly Bill No. 77—An

Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
February 11th, 1868. }

MR. PRESIDENT: The Assembly this day passed, under a suspension of the rules, Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland—and ordered the same to be immediately transmitted to the Senate.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 344, above reported, was read first and second times and referred to the Committee on Corporations with instructions to report it and also Senate Bill No. 270—An Act to incorporate the Town of Suisun—to-morrow morning.

Assembly Bill No. 240, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 96, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 19, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 92, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 299, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 292, above reported, was read first and second times and referred to Santa Clara delegation.

Assembly Bill No. 298, above reported, was read first and second times and placed on file for next Tuesday.

Assembly Bill No. 77, above reported, was read first and second times and referred to the Committee on Agriculture.

At one o'clock and twenty-seven minutes A. M., on motion of Mr. Pratt, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 12th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. I. E. Dwinell.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Lewis for one week, and to Mr. Hunter until Tuesday next at one o'clock P. M.

REPORTS.

Mr. Murch presented a report from the Committee on Mileage, and a resolution authorizing the Controller to draw his warrant in favor of F. S. Lardner for the sum of eighty-two dollars.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County and for other purposes;

And this day at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, presented the following report:

MR. PRESIDENT: The Committee on Corporations have considered Senate Bill No. 270—An Act to incorporate the Town of Suisun—and now report the same back with a recommendation that it do pass.

PRATT, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, substitute for Senate Bill No. 99—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, to sell certain property at private sale.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Also, Senate Bill No. 2—An Act explanatory of and supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Also, Senate Bill No. 220—An Act supplemental to an Act entitled an

Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session.

Also, Senate Bill No. 260—An Act to appropriate money for the purchase of safes for the State Treasurer's office.

WADSWORTH, Chairman.

Mr. Pratt, from the Committee on Corporations, made a verbal report on Assembly Bill No. 344, referred to that committee yesterday with instructions to report this morning, that sufficient time had not been allowed for due examination of the important provisions made by the bill.

Mr. Robinson moved that the bill be recommitted with instructions to report to-morrow morning.

Mr. Mandeville called for a division of the question, which was ordered.

That part of the motion to recommit the bill prevailed and the part instructing the committee was lost.

On motion of Mr. Hager the usual number of copies of the bill were ordered printed.

Mr. Chappell made the following report :

MR. PRESIDENT : The delegation to whom was referred Assembly Bill No. 150—An Act to prevent certain animals running at large in certain counties—have had the same under consideration, and beg leave to report the same back and recommend its passage.

CHAPPELL, for Delegation.

Mr. Wolcott, on behalf of the Calaveras and Tuolumne delegations, verbally reported Assembly Bill No. 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County—recommending the passage of the bill.

Mr. Hager, from the San Francisco delegation, made the following report :

MR. PRESIDENT : The San Francisco delegation have had under consideration Senate Bill No. 88, report the same back and respectfully recommend that it be referred to the Committee on the Judiciary.

This bill is designed to obtain legislation for the relief of parties claiming to have sustained damage by the violent acts of the inhabitants of the City and County of San Francisco, and is similar in all respects to the bill for the relief of T. A. Brady, which by a vote of the Senate committed to the Judiciary Committee with special instructions.

HAGER, for Delegation.

The bill above reported was referred to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 11th, 1868. . }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 133—An Act to amend an Act entitled an Act to create the County of Kern, define its boundaries, and to provide for its organization, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 106—An Act to amend section twenty-four of an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four.

Also, Senate substitute for Assembly Bill No. 110—An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

H. H. HAIGHT, Governor.

MESSAGE FROM THE ASSEMBLY. *

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }
February 12th, 1868. }

Mr. PRESIDENT: The Assembly on the eleventh day of February, instant, passed Assembly Bill No. 301—An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda.

Also, Assembly Bill No. 167—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved April eighteenth, eighteen hundred and sixty-four.

Also, Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others, to construct a lock on Cache Creek, at or near the outlet of Clear Lake, in Lake County.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 301, above reported, was read first and second times and referred to Committee on State and County Revenue.

Assembly Bill No. 293, above reported, was read first and second times and referred to Committee on Agriculture with instructions to frame a general law on the subject embraced in the bill.

Assembly Bill No. 167, above reported, was read first and second times and referred to Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without previous notice, as follows :

By Mr. Mandeville—An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Beach—An Act to incorporate the Academy of the Sisters of Notre Dame, in the City of Marysville.

Read first and second times and referred to the Committee on Education.

By Mr. Belden—An Act to provide a Law Library for the Supreme Court.

Read first and second times and referred to the Judiciary Committee. Also, proposed amendment to the Constitution.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to allow salaries to the members of the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Lawrence—An Act concerning fees in office of certain county officers in Mariposa County.

Read first and second times and placed on file.

GENERAL FILE.

Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Read third time and passed.

Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Read third time and passed.

Senate Bill No. 239—An Act to provide for the grading of the public alleys and the construction of sewers therein in the City of Sacramento.

Read third time and passed.

Senate Bill No. 240 was taken from the file and ordered to top of file for Thursday, February twentieth.

Senate Bill No. 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Tuolumne River, approved March seventeenth, eighteen hundred and sixty-six.

Amendment adopted, and the bill ordered engrossed.

Senate Bill No 186 was taken from the file and recommitted to the Committee on Commerce and Navigation.

Assembly Bill No. 205 (substitute for Assembly Bill No. 52)—An Act to authorize Titus Hale, Austin Walrath, Wm. McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the

City of Monterey to the Rancho Natividad, and to construct a wharf at the City of Monterey.

Mr. Pearce moved to refer the bill to the Judiciary Committee.

Lost.

On the passage of the bill the ayes and noes were demanded by Messrs. Pearce, Wolcott and Hager.

The vote was as follows:

AYES—Messrs. Beach, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Mandeville, Mizner, Morrill, Murch, Murphy, Pendegast, Pratt, Robinson, Rose, Shaw, Wadsworth—21.

NOES—Messrs. Belden, Bradley, Conly, Hager, Hunter, Pearce, Roberts, Wolcott—8.

So the bill was passed.

Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

Ordered engrossed.

Senate Bill No. 198—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara.

Indefinitely postponed.

POINT OF ORDER.

Mr. Pearce proposed to make a motion to reconsider the vote whereby the Senate ordered engrossed for third reading Senate Bill No. 220—An Act changing the location of the Deaf and Dumb Asylum—of which motion he had given notice last Friday.

It being objected, that the motion to reconsider was now out of order, three legislative days having intervened since the notice was given, Mr. Pearce raised a point of order that the notice of the motion should have gone into the unfinished business of the Senate in consequence of the Senate having adjourned before he had had an opportunity to make his motion.

The President decided the point of order not well taken.

From the decision of the President, Mr. Pearce appealed to the Senate.

On the question, Shall the decision of the President stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Pearce, Mandeville and Green.

The vote was as follows:

AYES—Messrs. Belden, Chappell, Conly, Conn, Ewer, Freeman, Green, Hager, Hardy, Heacock, Kincaid, Lawrence, Lewis, Mandeville, Morrill, Murch, Murphy, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Tweed, Wadsworth, Wolcott—27.

No—Mr. Pearce—1.

So the decision of the President was sustained.

Mr. Pearce was granted leave of absence for one week.

GENERAL FILE RESUMED.

Senate Bill No. 150—An Act to amend an Act entitled an Act concern-

ing fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty.

Ordered engrossed.

Senate Bill No. 151—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Ordered engrossed.

BILL INTRODUCED.

The rules were suspended, and Mr. Morrill introduced, without notice, a bill for an Act amendatory of and supplemental to an Act entitled an Act to make certain officers in the County of Calaveras salaried officers, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Calaveras delegation.

GENERAL FILE RESUMED.

Assembly Bill No. 120—An Act to limit the hours of labor.

Mr. Conly offered an amendment to section three of the bill.

On adopting the amendment the ayes and noes were demanded by Messrs. Mandeville, Hunter and Freeman.

Mr. Rose moved to defer action and place the bill on top of the file for to-morrow, and it was so ordered.

Senate Bills Nos. 8 and 107—Acts to limit the hours of labor—were severally laid on the table.

Senate Bill No. 26—An Act relating to homesteads.

Amendment reported adopted, and bill ordered engrossed.

Senate Bill No. 118 was taken from the file and laid on the table.

Senate Bill No. 153—An Act concerning insane convicts at the State Prison.

Mr. Shaw offered an amendment to the bill, which was adopted, and the recommendation to indefinitely postpone was negatived.

Mr. Hager moved to recommit to the Judiciary Committee.

The motion was lost and the bill ordered engrossed.

Senate Bill No. 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and issue certificates of title to the inhabitants of said town, in accordance with their respective interests.

Rules suspended, considered engrossed, read third time and passed.

Senate Bill No. 179—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta.

Rules suspended, considered engrossed, read third time and passed.

Senate Bill No. 241 was indefinitely postponed.

Senate Bill No. 162 was taken from the file, on motion of Mr. Kincaid, and laid on the table.

Senate Bill No. 261—An Act to provide funds for the School Department of the City of Oakland, and to authorize the payment of certain present indebtedness.

Mr. Murphy moved a reference of the bill to the Committee on Education.

Lost.

Pending further consideration, at two o'clock and twelve minutes P. M., on motion of Mr. Murphy, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, February 13th, 1868. }

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

Roll called.

Quorum present.

Prayer by Rev. I. E. Dwinell.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Morrill until Tuesday next.

Indefinite leave of absence was granted to J. J. Thomas, one of the Porters for the Senate, on account of sickness.

The President announced the appointment of James E. Bryan as Porter in place of J. J. Thomas.

PETITIONS.

Petitions were presented as follows:

By Mr. Tweed—Of citizens of Placer County relative to rates of fare and freight on the Central Pacific Railroad.

Laid on the table.

By Mr. Mandeville—Of citizens of Columbia, praying that the charter of incorporation of that city be annulled.

Referred to the Tuolumne delegation.

By Mr. Hager—Of J. W. Raymond, relative to his claims against the Board of State Harbor Commissioners.

Referred to the Committee on Commerce and Navigation, to take the place of the one before presented from the same petitioner.

REPORTS.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, reported as follows:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 165—An Act to authorize Z. B. Hayward and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County—have had the same under consideration, made three amendments thereto, report it back and recommend its passage as amended.

Also, Senate Bill No. 25—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County—have had the same under consideration, made one amendment thereto, report it back and recommend its passage as amended.

MIZNER, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT : The Committee on Judiciary, to whom was referred Senate Bill No. 158—An Act for the purpose of providing the District Courts of this State with statutes and reports—having had the same under consideration, report it back without amendments and recommend its passage.

Also, Senate Bill No. 184—An Act to exempt certain counties from the provisions of an Act entitled an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six—report it back and recommend that it be indefinitely postponed.

Also, Senate Bill No. 13—An Act to exempt certain property from execution; together with the Assembly amendments to the same, contained in a bill entitled Assembly Bill No. 141 (substitute for Senate Bill No. 13)—report the same back and recommend that the Senate do not concur in the Assembly amendments.

BELDEN, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT : The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to Act as County Superintendent of Common Schools ;

Also, substitute for Senate Bill No. 78—An Act to authorize persons against whom judgment has been rendered upon a conviction for felony to testify as witnesses in certain cases ;

Also, Senate Bill No. 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six ;

And this day at eleven o'clock A. M. presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows :

MR. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 258—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and to repeal all other Acts so far as they conflict with the provisions thereof.

Also, Senate Bill No. 151—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amenda-

tory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Also, substitute for Senate Bill No. 145—An Act to provide for the payment of certain outstanding bonds of the State of California.

Also, Senate Bill No. 238—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano.

WADSWORTH, Chairman.

INTRODUCTION OF BILLS.

By leave, bills were introduced, as follows:

By Mr. Lawrence—An Act amendatory of and supplemental to an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pendegast—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Beach—An Act to pay outstanding war bonds issued under an Act of the Legislature, approved April twenty-fifth, eighteen hundred and fifty-seven.

Read first and second times and referred to the Committee on Claims.

By Mr. Hager—An Act to provide for a railroad in the City and County of San Francisco

Read first and second times and referred to the San Francisco delegation.

RESOLUTIONS.

Mr. Tweed offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be directed to purchase one copy of Hittell's General Laws of California, for use at the rooms occupied by the Committees on Swamp Lands, Corporations, and Commerce and Navigation; and also one for the Committee on State and County Revenue, and that the same be paid for out of the Contingent Fund of the Senate.

Adopted.

Mr. Heacock offered the following:

Resolved, That thirty copies of the draft of the revenue bill being prepared by the Chairman of the Committee of the two Houses on revising the Revenue Laws be printed for the use of the committee.

Adopted.

On motion of Mr. Robinson, Senate Bill No. 261 was placed second on file for to-day.

Mr. Pendegast offered a memorial to Congress in relation to Chinese immigration.

The memorial having been read a first and second time, a motion was made to suspend the rules and order twice the usual number of copies printed.

The ayes and noes were demanded by Messrs. Pendegast, Rose and Lawrence.

The vote was as follows :

AYES—Messrs. Bradley, Conn, Freeman, Hager, Hunter, Kincaid, Lawrence, Mandeville, Mizner, Murphy, Pendegast, Pratt, Rose, Saunders, Shaw—15.

NOES—Messrs. Belden, Chappell, Conly, Curtis, Ewer, Green, Hardy, Heacock, Murch, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—14.

So the motion was carried.

Mr. Mandeville moved to lay the memorial on the table.

The ayes and noes were demanded by Messrs. Green, Hardy and Mizner.

The vote was as follows :

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Kincaid, Lawrence, Mandeville, Murphy, Pendegast, Robinson, Rose, Saunders, Shaw—14.

NOES—Messrs. Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Pratt, Tubbs, Wadsworth, Wolcott—14.

There being a tie, the President, in the exercise of his constitutional privilege, voted aye, and so the memorial was laid on the table.

Mr. Heacock offered the following :

Resolved, That the thanks of the Senate be returned to the honorable the Mayor and Common Council and citizens of San José, for their cordial hospitality extended to the members of this body during our recent excursion to that city.

Adopted.

GENERAL FILE.

Assembly Bill No. 120—An Act to limit the hours of labor.
Mr. Conly offered the following amendment :

Amend section three so as to read as follows :

"Section 3. Any person or persons having in his, her or their employ, or under his, her or their control, any minor child or children, either as wards or apprentices, who shall require of such minor child or children more than eight hours labor in one day, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and in default of payment thereof shall be imprisoned in the County Jail for a period of not less than two nor more than twenty days ; *provided*, that this section shall not apply to any minors or apprentices over seventeen years of age."

On adopting the amendment, the ayes and noes were demanded by Messrs. Conly, Shaw and Conn.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Mizner, March, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—15.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Heacock, Hunter, Kincaid, Lawrence, Mandeville, Murphy, Pendegast, Pratt, Rose, Saunders, Shaw—15.

There being a tie, the President, in the exercise of his constitutional privilege, voted no, and so the amendment was lost.

Mr. Roberts offered the following substitute :

Strike out all after the enacting clause and insert the following, to wit :

“Section 1. In all manufacturing establishments, handicraft work, trades, or mechanical pursuits and occupations, eight hours shall be deemed and held to be a legal day's work in all cases within this State, unless otherwise expressly stipulated in writing between the parties concerned.

“Sec. 2. Eight hours labor shall constitute a legal day's work in all cases where mechanics are employed by the day or month, or where mechanical work is being done and performed under the authority of law for the State, or under the direction or control, or by the authority of any officer of this State acting in his official capacity ; or in any case where such mechanic shall be employed by or such mechanical work is being done and performed under the authority of law for, or under the direction or control, or by authority of any county or municipal government within this State or of any officer thereof acting in his official capacity.

“Sec. 3. Any person or persons engaged in any manufacturing or mechanical business, whether on his, her or their own behalf ; or acting as agent, superintendent or foreman for any other person or persons, firm, association, company, corporation or body politic, having in his, her or their employ or control any minor under the age of fifteen years, who shall compel any such minor to labor at such business more than eight hours per day ; and any person or persons so engaged in managing or carrying on any such business having in his, her or their employ or control any minor over the age of fifteen years and under the age of seventeen years, who shall compel any such minor to labor at such business more than ten hours per day ; and any person or persons who shall exact more than eight hours labor for a day's work from any mechanic or laboring man upon any of the public works of this State ; or in any case coming within the provisions of the second section of this Act, whether such person be acting as architect, superintendent or foreman, or performing the said work as a contractor under a contract with the party or parties authorized to have such work performed, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace within the county where such work shall have been performed, shall be punished therefor by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the County Jail for not less than five nor more than thirty days for each offence ;

provided, that the provisions of this section shall not apply to piece work, nor task work, nor in any case where the usual extra pay is allowed to apprentices, or wards, or parties under instruction, for extra work or over hours, when evidenced by the indentures or by an agreement in writing.

"Sec. 4. All laws or parts of laws so far as they conflict with the provisions of this Act are hereby repealed."

Mr. Roberts moved that the original bill and substitute be printed and placed on top of file for next Tuesday.

The ayes and noes were demanded by Messrs. Roberts, Bradley and Heacock.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hardy, Mizner, Murch, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth—15.

NOES—Messrs. Belden, Conn, Curtis, Freeman, Hager, Heacock, Hunter, Kincaid, Lawrence, Mandeville, Murphy, Pendegast, Rose, Saunders, Shaw, Wolcott—16.

So the motion was lost.

On adopting the substitute, the ayes and noes were demanded by Messrs. Mandeville, Conn and Murphy.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conly, Hardy, Murch, Roberts, Robinson, Tubbs—9.

NOES—Messrs. Belden, Conn, Curtis, Ewer, Freeman, Green, Hager, Heacock, Hunter, Kincaid, Lawrence, Mandeville, Mizner, Murphy, Pendegast, Pratt, Rose, Saunders, Shaw, Tweed, Wadsworth, Wolcott—22.

So the Senate refused to adopt the substitute.

Mr. Mandeville moved the previous question.

Lost.

Mr. Robinson moved to place the bill on top of file for Friday.

The ayes and noes were demanded by Messrs. Mandeville, Murphy and Heacock.

The vote was as follows :

AYES—Messrs. Beach, Hardy, Murch, Robinson, Saunders, Tubbs—6.

NOES—Messrs. Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Heacock, Hunter, Kincaid, Lawrence, Mandeville, Mizner, Murphy, Pendegast, Pratt, Roberts, Rose, Shaw, Tweed, Wadsworth, Wolcott—25.

So the motion was lost.

On ordering the bill read a third time, the ayes and noes were demanded by Messrs. Mandeville, Freeman and Murphy.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Kincaid, Law-

rence, Mandeville, Mizner, Murch, Murphy, Pendegast, Pratt, Roberts, Rose, Saunders, Shaw, Tweed, Wadsworth, Wolcott—29.

NOES—Messrs. Robinson, Tubbs—2.

So the bill was ordered read a third time.

On the passage of the bill the ayes and noes were again demanded by Messrs. Chappell, Murch and Mandeville

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Kincaid, Lawrence, Mandeville, Mizner, Murch, Murphy, Pendegast, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Tweed, Wadsworth, Wolcott—30.

No—Mr. Tubbs—1.

So the bill was passed.

Mr. Robinson gave notice of a motion to reconsider.

Mr. Kincaid was granted leave of absence until Tuesday next.

Senate Bill No. 261—An Act to provide funds for the School Department of the City of Oakland and to authorize the payment of certain present indebtedness.

Pending the consideration of the bill, there being no quorum present, Mr. Robinson moved a call of the Senate.

The following named Senators were found absent without leave : Messrs. Chappell, Conn, Saunders and Tubbs.

On motion of Mr. Mandeville, further proceedings under the call were dispensed with.

Senate Bill No. 261, above referred to, was then amended, rules suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 262—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 269—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Assembly Bill No. 283—An Act to provide for re-indexing the county records of San Mateo County.

Read third time and passed.

Senate Bill No. 218—An Act to incorporate Hesperian College, Woodland, Yolo County.

Referred to the Judiciary Committee.

Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six.

Read third time and passed.

Senate Bill No. 89—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, to sell certain property at private sale.

Read third time and passed.

Senate Bill No. 231—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expense and

taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Read third time and passed.

Senate Bill No. 2—An Act explanatory of and supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read third time and passed.

Senate Bill No. 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session.

Read a third time and passed.

Senate Bill No. 270—An Act to incorporate the Town of Suisun.

The rules were suspended, bill considered engrossed, and returned to file.

A resolution to pay F. S. Lardner, Sergeant-at-Arms of the Senate, eighty-two dollars for certain services, was adopted.

Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six, so as extend the provisions thereof in this Act provided.

Read third time and passed.

Assembly Bill No. 191—An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.

Read a third time and passed.

Senate Bill No. 271—An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 277—An Act concerning fees in office of certain county officers in Mariposa County.

Amendments reported adopted, and bill ordered engrossed.

INTRODUCTION OF BILLS.

The rules were suspended, and bills were introduced by leave, as follows:

By Mr. Green—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals.

Read first and second times and referred to Committee on State Prison.

By Mr. Saunders—An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

REPORT.

The rules were again suspended and Mr. Ewer verbally reported, with an amendment, Assembly Bill No. 95—An Act to authorize the Control-

ler of State to issue a duplicate warrant to Justus Brooks—and recommended its passage.

The rules were again suspended, the bill taken up, amendment adopted, read third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,
February 13th, 1868. }

Mr. PRESIDENT: The Assembly on yesterday passed Assembly Bill No. 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools.

Also, Assembly Bill No. 278 (substitute for Assembly Bill No. 278)—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 174—An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to an Act entitled an Act concerning crimes and punishments.

Also, Assembly Bill No. 30—An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon.

Also, Assembly Concurrent Resolution No. 39, in regard to making the Speaker of the House and President of the Senate members of the Joint Committee on Agricultural, Mining and Mechanic Arts College.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 288, above reported, was read first and second times and referred to the Committee on Education.

Assembly Bill No. 242, above reported, was read first and second times and referred to the Amador delegation.

Assembly Bill No. 30, above reported, was read first and second times. The rules being suspended, the bill was taken up, read third time and passed.

Assembly Bill No. 174, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 39, above reported, was concurred in.

There being no further business, at two o'clock and twenty-five minutes, on motion of Mr. Beach, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Friday, February 14th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. I. E. Dwinell.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Bradley until Tuesday next.

REPORTS.

Mr. Beach, from the Committee on State and County Revenue, made the following report:

MR. PRESIDENT: The Committee on State and County Revenue have had under consideration Senate Bill No. 256—An Act to authorize the Board of Supervisors of the County of El Dorado to levy an additional tax for county purposes; also, Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six; also, Senate Bill No. 236—An Act to amend an Act entitled an Act concerning public ferries and bridges, approved April eighteenth, eighteen hundred and fifty-five—and have instructed me to report the same back and recommend their passage.

BEACH, for Committee.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis, and others, to construct a lock on Cache Creek, at or near the outlet of Clear Lake, in Lake County; And this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 137—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Also, Senate Bill No. 179—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta.

Also, Senate Bill No. 150—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty.

Also, Senate Bill No. 153—An Act concerning insane convicts at the State Prison.

Also, Senate Bill No. 26—An Act relating to homesteads.

WADSWORTH, Chairman.

On motion of Mr. Hager, Senate Bill No. 150, above reported, was ordered placed on the file for this day.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 134—An Act to authorize B. F. Forsyth to construct a wharf upon Napa Straits, in the City of Vallejo—hereby report the same back to the Senate and recommend that the author of the bill have leave to withdraw the same, if he so desires.

MIZNER, Chairman.

By leave, the introducer of Senate Bill No. 134, above reported, withdrew the bill.

Mr. Mizner, from the Solano delegation, made the following report :

MR. PRESIDENT: Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Napa, Solano and Lake, so far as the same relates to Lake County—having been heretofore referred to the delegations from Solano, Napa and Lake Counties, and the same having been considered by them and they having failed to agree upon a report—the Solano delegation begs leave to report the bill back to the Senate, and recommend that it be referred to the Judiciary Committee.

MIZNER, for Delegation.

The bill above reported was referred in accordance with the recommendation.

Mr. Mandeville reported verbally, recommending that Senate Bill No. 244 be referred to the Committee on State and County Revenue.

The recommendation was adopted.

Mr. Wolcott verbally reported Senate Bill No. 224, recommending its passage and that it be laid on the table.

So ordered.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

• ASSEMBLY CHAMBER,
February 11th, 1868. }

MR. PRESIDENT: The Assembly on the twelfth instant refused to sustain the veto of his Excellency the Governor of the State, of Assembly

Bill No. 238—An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon—by the following vote: ayes, 41; noes, 11.

J. A. EAGAN,
Chief Clerk.

On motion of Mr. Mandeville the consideration of the Governor's veto of the bill above reported was made the special order of the day for Thursday, February twentieth.

INTRODUCTION OF BILLS.

By leave, bills were introduced without previous notice, as follows:

By Mr. Murphy—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. Tubbs, from the Finance Committee—An Act to appropriate money for contingent expenses of the Legislature.

Read first and second times and placed on file.

By Mr. Tubbs, from the Finance Committee—An Act making appropriations for deficiencies in the appropriations for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight.

Read first and second times and placed on file.

By Mr. Shaw—An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California.

Read first and second times and placed on file.

Also, an Act to provide for the appointment of additional Notaries in the City and County of San Francisco.

Read first and second times and placed on file for Thursday, February twentieth.

Also, an Act to provide a suitable residence for the Governor.

Read first and second times and referred to the Committee on Public Buildings.

By Mr. Lawrence—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

Read first and second times and placed on file.

By Mr. Saunders—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

Read first and second times and referred to San Francisco delegation.

Also, an Act to amend an Act entitled an Act amendatory of Article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty four, inclusive, and Acts and parts

of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hager—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

RESOLUTIONS.

Mr. Mizner offered a concurrent resolution, that it is of the greatest importance to the interest and welfare of the Pacific States, as well as of the whole Union, that British Columbia be annexed to the United States.

Mr. Belden moved that the consideration of the resolution be made the special order for the fourth day of March.

The motion was lost, and the resolution was referred to the Committee on Federal Relations.

Mr. Pendegast reported a petition of citizens of Lake County, requesting its reference, in connection with Assembly Bill No. 46, to the Judiciary Committee.

GENERAL FILE.

Assembly Bill No. 150—An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six, so as to extend the provisions thereof in this Act provided.

Read third time and passed.

Senate Bill No. 151—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Read third time and passed.

Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California.

Read third time and passed.

Senate Bill No. 238—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano.

Read third time and passed.

Assembly Bill No. 165—An Act to authorize Z. B. Hayward and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, Alameda County.

Amended, read a third time and passed.

Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County.

Amended and ordered engrossed.

Senate Bill No. 158—An Act for the purpose of providing the District Courts of this State with statutes and reports.

Taken from the file and referred to the Judiciary Committee.

Senate Bill No. 184—An Act to exempt certain counties from the provisions of an Act entitled an Act to protect sheep, Cashmere and Angora

goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Indefinitely postponed.

Assembly Bill No. 141 (substitute for Senate Bill No. 13)—An Act to amend section two hundred and nineteen of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments.

The Senate refused to concur in Assembly substitute for Senate Bill No. 13.

Senate Bill No. 270—An Act to incorporate the Town of Suisun.

Read third time and passed.

SPECIAL ORDER.

Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers, for rafting logs and timber.

Amended and ordered engrossed.

REPORT.

The rules were suspended, and Mr. Roberts made the following report:

MR. PRESIDENT: Your Committee on Printing, having had under consideration Senate Bill No. 199—An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, eighteen hundred and sixty-four—would report the same back with an amendment, and recommend the passage of the bill as amended.

Also, Senate Bill No. 290—An Act to amend an Act entitled an Act to create the office of State Printer and to define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-two, and all Acts amendatory thereof and supplementary thereto—and recommend the passage of the bill.

ROBERTS, Chairman.

On motion of Mr. Green, there being no further business, at twelve o'clock and fifty-five minutes the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Saturday, February 15th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. I. E. Dwinell.

Journal of yesterday read and approved.

REPORTS.

Mr. Wadsworth, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Tuolumne River, approved March seventeenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 261—An Act to provide funds for the School Department of the City of Oakland and to authorize the payment of certain present indebtedness.

Also, Senate Bill No. 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and issue certificates of title to the inhabitants of said town in accordance with their respective interests.

Also, Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

Also, Senate Bill No. 277—An Act concerning fees in office of certain county officers in Mariposa County.

Also, Senate Bill No. 280—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County.

WADSWORTH, Chairman.

Mr. Roberts, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT: The Committee on Federal Relations would respectfully report that they have had under consideration the following concurrent resolutions, to wit:

Senate Concurrent Resolution No. 50, relative to acquisition of British Columbia;

Senate Concurrent Resolution No. 46, relative to establishment of a mail route from Latrobe to Ione City;

Senate Concurrent Resolution No. 48, relative to a mail route from Trinity Centre to Sawyer's Bar;

Assembly Concurrent Resolution No. 23, concerning daily mail from Petaluma to Arcata;

Assembly Concurrent Resolution No. 24, concerning mail route from Eureka to Petrolia;

Assembly Concurrent Resolution No. 26, asking postal facilities from Red Bluff to Yreka;

Assembly Concurrent Resolution No. 27, relative to mail route from Weaverville to Hydesville;

And report the same back and recommend their adoption.

ROBERTS, Chairman.

Mr. Roberts, from the Joint Committee on Printing, made the following report:

MR. PRESIDENT: The Joint Committee on Printing, to whom was referred the report, and transactions accompanying, of the State Board of Agriculture for the years of eighteen hundred and sixty-six and eighteen hundred and sixty-seven, would respectfully report the following concurrent resolution and recommend its adoption.

ROBERTS,

Chairman of Senate Committee.

MAHON,

For Assembly Joint Committee.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 137—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six—having had the same under consideration, report it back with a substitute and recommend the adoption of the substitute.

BELDEN, Chairman.

Mr. Ewer verbally reported recommending that it do not pass Senate Bill No. 213—An Act for the relief of Daniel McLean.

Mr. Hardy, from the Calaveras delegation, verbally reported with a recommendation in favor of the passage of Senate Bill No. 278, concerning salaries of officers in Calaveras County.

Mr. Pratt, Chairman of the Committee on Corporations, presented the following report:

MR. PRESIDENT: The Committee on Corporations have considered Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland—report the same back with amendments and recommend its passage as amended.

Also report back Senate Bill No. 286—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four—and recommend its passage as amended.

PRATT, Chairman.

Mr. Robinson moved to suspend the rules and consider now Assembly Bill No. 344, above reported.

Pending consideration, the hour arrived for the special order of the day, the general file.

Mr. Shaw moved that the special order be postponed until Assembly Bill No. 344 be disposed of.

The ayes and noes were demanded by Messrs. Shaw, Mandeville and Heacock.

The vote was as follows :

AYES—Messrs. Chappell, Conly, Conn, Freeman, Green, Hardy, Murphy, Pendegast, Pratt, Robinson, Rose, Shaw, Tubbs, Tweed, Wolcott—16.

NOES—Messrs. Beach, Curtis, Ewer, Hager, Heacock, Lawrence, Mandeville, Mizner, March, Roberts, Sammers, Wadsworth—12.

So the Senate refused to suspend the rules.

GENERAL FILE.

Senate Bill No. 26—An Act relating to homesteads.

Read third time and passed.

Senate Bill No. 137—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine

Read third time and passed.

Senate Bill No. 153—An Act concerning insane convicts at the State Prison.

Read third time and passed.

Senate Bill No. 236—An Act to amend an Act entitled an Act concerning public ferries and bridges, approved April eighteenth, eighteen hundred and fifty-five.

Ordered engrossed.

Senate Bill No. 256—An Act to authorize the Board of Supervisors of El Dorado County to levy an additional tax for county purposes.

Ordered engrossed.

Senate Bill No. 287—An Act to appropriate money to pay the contingent expenses of the Legislature.

Rules suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight.

Mr. Mizner moved to make the bill the special order of the day for next Thursday.

Lost.

Rules suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 291—An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California.

RESOLUTION.

The rules were suspended, and Mr. Pendegast offered the following resolution :

Resolved, That when the Senate adjourn on this day, it adjourn to meet on Tuesday, February eighteenth, at one o'clock P. M.

The ayes and noes were demanded by Messrs. Murch, Mandeville and Murphy.

The vote was as follows :

AYES—Messrs Belden, Conly, Curtis, Freeman, Green, Hager, Hardy, Heacock, Mizner, Pendegast, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Tweed, Wolcott—19.

NOES—Messrs. Beach, Chappell, Conn, Ewer, Lawrence, Mandeville, Murch, Murphy, Wadsworth—9.

So the resolution was adopted.

The rules were suspended, on motion of Mr. Murphy, and Senate Bill No. 286, above reported, was taken up.

The rules were again suspended and the bill considered engrossed, read a third time and passed.

The other bills on the general file were continued thereon for Tuesday next.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows :

By Mr. Roberts—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times and referred to Committee on Corporations.

Also, an Act to declare and regulate the rates of fare and freight on the Central Pacific Railroad of California.

Read first and second times and referred to Committee on Corporations and ordered printed.

By Mr. Mandeville—An Act for the relief of David Kohn.

Read first and second times and referred to Committee on Claims.

By Mr. Lawrence—An Act supplementary to the Act prescribing rules for the government of the State Library.

Read first and second times and referred to the Committee on State Library.

Also, an Act amendatory of and supplemental to an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Conly—An Act for the encouragement of agricultural and mechanical societies.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Shaw—An amendment to the Constitution, relative to the commencement of the sessions of the Legislature.

Read first and second times and placed on file.

By Mr. Conn—An Act to limit the time for commencing civil actions in certain cases.

Read first and second times and referred to Judiciary Committee.

By Mr. Beach—An Act supplemental to and amendatory of an Act entitled an Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved February thirteenth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Corporations.

By Mr. Tubbs—An Act to provide for the pardon of certain convicts in the State Prison.

Read first and second times and referred to the Committee on State Prison.

By Mr. Wolcott—An Act granting leave of absence to George W. Whitman, District Attorney of Mono County.

Read first and second times and placed on file.

Mr. Rose verbally reported recommending the passage of Assembly Bills Nos. 176, 278 and 74.

Mr. Robinson moved to suspend the rules and consider Assembly Bill No. 344, above reported.

Mr. Mizner moved to adjourn.

The ayes and noes were demanded by Messrs. Mizner, Murphy and Mandeville.

The vote was as follows :

AYES—Messrs. Beach, Belden, Conly, Conn, Curtis, Hager, Mandeville, Mizner, Murch, Pendegast, Saunders, Tweed—12.

NOES—Messrs. Chappell, Ewer, Freeman, Green, Hardy, Lawrence, Murphy, Pratt, Roberts, Robinson, Rose, Shaw, Tubbs, Wadsworth, Wolcott—15.

So the Senate refused to adjourn.

On the motion of Mr. Robinson the ayes and noes were demanded by Messrs. Hager, Mizner and Murch.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conn, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Murphy, Pratt, Roberts, Robinson, Rose, Shaw, Tubbs, Wadsworth, Wolcott—18.

NOES—Messrs. Beach, Conly, Curtis, Hager, Mandeville, Mizner, Murch, Pendegast, Saunders, Tweed—10.

So the motion was lost.

Mr. Shaw moved to suspend the rules and make the bill the special order for Wednesday next.

Pending action, at one o'clock and five minutes p. m., on motion of Mr. Hardy, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Tuesday, February 18th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Leave of absence was granted to Mr. Hardy for one day.

The President presented the following communication :

MAYOR'S OFFICE. }

OAKLAND, February 17th, 1868. }

Hon. WILLIAM HOLDEN,

President of the Senate :

SIR: In accordance with a resolution of the City Council of the City of Oakland, a copy of which is herewith transmitted, the officers and members of the honorable body over which you preside are hereby invited to visit the City of Oakland on the twenty-second of February, instant, as expressed in said resolution.

Please lay the resolution and this communication before the Senate.

Your obedient servant,

SAMUEL MERRITT, Mayor.

" *Resolved* by the Council of the City of Oakland, the Mayor concurring, That the Governor, State officers, members of the Senate and Assembly, and the officers of the Legislature, are cordially invited to visit the City of Oakland on the anniversary of Washington's birthday, February twenty-second, eighteen hundred and sixty-eight, to examine the site selected for the State Agricultural and Mining College, for the Deaf, Dumb and Blind Asylum, and the site and surroundings of the proposed State University, and to partake of the hospitalities of the city.

" *Resolved*, That the City Clerk be and is hereby instructed to make certified copies of this resolution and transmit the same to the Capital to be presented to the two houses of the Legislature, on the morning of Tuesday, February eighteenth.

" The ayes and noes being called on the adoption of the above resolution, were as follows :

" AYES—Messrs. Moody, Barstow, Hobart, Wilcox, Campbell and President Pendleton—6.

" NOES—None.

" I concur in the foregoing resolution.

"SAMUEL MERRITT, Mayor."

" I hereby certify the above to be a true and correct copy of an original resolution adopted by the Council of the City of Oakland, at a special

meeting held on Monday, February seventeenth, eighteen hundred and sixty-eight.

"H. HELLEBRAND,
City Clerk.

"Clerk's Office, City of Oakland, February 17th, 1868."

Mr. Robinson offered the following resolution.

Resolved by the Senate, the Assembly concurring, That the Senate accept the invitation of the Mayor and Council of the City of Oakland, and that the Senate adjourn on Friday next at one o'clock to Tuesday, February twenty-fifth, at one o'clock.

On the adoption of the resolution the ayes and noes were demanded by Messrs. Teegarden, Mizner and Murphy.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hager, Heacock, Kincaid, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Wolcott—25.

NOES—Messrs. Beach, Bradley, Conn, Johnson, Mizner, Murch, Teegarden, Tweed—8.

So the resolution was adopted.

PETITIONS.

Petitions were presented as follows :

By Mr. Mandeville—From citizens of Tuolumne County praying for the repeal of the Sunday Law.

Referred to the Committee on Public Morals.

By the same—From citizens of Township Two, Tuolumne County, relative to animals running at large.

Referred to Committee on Agriculture.

By Mr. Perley—Of citizens of San Joaquin County praying for the passage of an Act granting a charter to James Smytt and others to build a gravel turnpike and toll road on the road known as the Copperopolis or Salt Spring Valley Road.

Read and referred to the Committee on Corporations.

By Mr. Saunders—From citizens protesting against the passage of Senate Bill No. 186—An Act to establish the office of State Shipping Commissioner of the Port of San Francisco, and to regulate the duties thereof.

Referred to Committee on Commerce and Navigation.

REPORTS.

Reports were made as follows :

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and

find correctly engrossed Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers, for rafting logs and timber.

Also, Senate Bill No. 271—An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six.

Also, Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County.

Also, Senate Bill No. 269—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims.

Also, Senate Bill No. 262—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland.

Also, Senate Bill No. 256—An Act to authorize the Board of Supervisors of El Dorado County to levy an additional tax for county purposes.

Also, Senate Bill No. 287—An Act to appropriate money for the contingent expenses of the Legislature.

Also, Senate Bill No. 286—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four.

WADSWORTH, Chairman.

Mr. Tubbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 183—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty, for the County of Santa Clara—having had the same under consideration, report it back with amendments and recommend its passage as amended.

TUBBS, Chairman.

Mr. Green presented a report from the Committee on State Prison.

[For report see Appendix.]

Mr. Beach, from the Yuba and Sutter delegations, made the following report:

MR. PRESIDENT: The Yuba and Sutter delegations, to whom was referred Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the highlands—have had the same under consideration, report it back and recommend that the Senate do not concur in the amendment adopted by the Assembly.

BEACH, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }
 Sacramento, February 14th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 9—An Act to authorize the County Clerk of Mono County to Act as County Superintendent of Common Schools.

Also, Senate Bill No. 78—An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Also, Senate Bill No. 80—An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 77—An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes.

Also, Senate Bill No. 35—An Act to repeal an Act to authorize W. G. Hunt, S. M. Curtis and others, to construct a lock on Cache Creek, at or near the outlet of Clear Lake, in Lake County.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
 February 18th, 1868. }

MR. PRESIDENT: The Assembly on this day adopted the following resolution:

Resolved, That the Senate be requested to return to the Assembly, Assembly Bill No. 344—An Act to grant a new charter to the City of Oakland.

J. R. BEARD,
 Assistant Clerk.

On motion of Mr. Mizner, the Senate respectfully complied with the request made by the foregoing resolution.

The following messages were also received from the Assembly:

ASSEMBLY CHAMBER, }
 February 18th, 1868. }

MR. PRESIDENT: The Assembly have passed Senate substitute for Assembly Bill No. 55—An Act concerning the office of County Clerk of the City and County of San Francisco—with amendments.

Also, Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County.

Also, Assembly Bill No. 193—An Act to authorize D. W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County.

Also, Senate Bill No. 123—An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith.

Also, Senate Bill No. 50—An Act supplementary to an Act entitled an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono road, near West Walker River, to a point in the Antelope Valley, and the right to collect tolls for travel thereon, approved February ninth, eighteen hundred and sixty-six.

Also, Senate Bill No. 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for establishing gas works in Los Angeles City.

Also, Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

Also, Senate Bill No. 181—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-five, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties.

Also, Senate Bill No. 194—An Act to authorize H. B. Tiehenor and R. G. Byxbee to construct a railroad, railroad wharf, and toll bridge in Mendocino County.

Also, Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges.

Also, Senate Bill No. 5—An Act to confirm and legalize the assessment roll of real estate of Butte County for the year eighteen hundred and sixty-seven.

Also, Assembly Bill No. 363—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 15—An Act to declare Thomas Jefferson Clunie, a minor, of lawful age.

Also, Assembly Bill No. 412—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitas, approved April eighth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 311—An Act to provide for the payment of the Registers and Receivers of the United States Land Offices in this State certain fees.

Also, Assembly Bill No. 294—An Act amendatory of an Act approved March first, eighteen hundred and sixty-four, entitled an Act to amend an Act concerning the offices of County Clerk, Sheriff, and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine.

Also, Assembly Bill No. 142—An Act to authorize Thomas B. Lewis E. Thomas and Henry Pichoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco.

Also, Assembly Concurrent Resolution No. 41, in regard to printing report of State Prison Committee.

Also, Assembly Bill No. 389—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 383—An Act to amend an Act entitled an Act to provide for the election of township officers in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 320—An Act to provide for the payment of the State's portion of the County Auditor's salary of the County of Trinity.

Also, Assembly Bill No. 345—An Act to provide for the payment of assessments against the property of the Government of the United States, for street improvements in the City and County of San Francisco.

Also, Assembly Bill No. 354—An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for the repairs of the banks of the Los Angeles River in the city, to levy a tax for street improvements and lighting the streets of said city with gas.

Also, Assembly Bill No. 372—An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 229—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms.

Also, Assembly Bill No. 374—An Act to provide for the payment of outstanding indebtedness in Fresno County.

J. R. BEARD.

Assistant Clerk.

ASSEMBLY CHAMBER.

February 15th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed Assembly Bill No. 319—An Act providing a survey for an additional outlet for the waters of Feather, Sacramento and San Joaquin Rivers, and their tributaries.

Also, Assembly Bill No. 102 (substitute for Assembly Bill No. 102)—An Act granting to the mining counties of this State foreign miners' tax collected in said counties severally.

Also, Assembly Bill No. 360—An Act entitled an Act to legalize the assessment roll of the City of Los Angeles for the year eighteen hundred and sixty-seven.

Also, Senate Bill No. 14 (substitute)—An Act to amend section nine of an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April nineteenth, eighteen hundred and fifty-six.

Also, Senate Bill No. 183—An Act to provide for the payment of grand jurors in the County of San Mateo.

Also, Senate Bill No. 61—An Act for the relief of E. T. Spence, County Treasurer of Nevada County.

Also, Senate Bill No. 53—An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

Also, Senate Bill No. 113—An Act to appropriate money to pay certain claims.

Also, Assembly Bill No. 134—An Act in relation to the county officers of the County of Sierra.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 134, above reported, was read first and second times and referred to the Sierra delegation.

Assembly Bill No. 36, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 311 (substitute for Senate Bill No. 14), above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 102, above reported, was read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 363, above reported, was read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 319, above reported, was read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 142, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 345, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 294, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 227, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 412, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 389, above reported, was read first and second times and referred to Mariposa delegation.

Assembly Bill No. 383, above reported, was read first and second times and referred to Alameda delegation.

Assembly Bill No. 320, above reported, was read first and second times and referred to Committee on Claims.

Assembly Concurrent Resolution No. 41, above reported, was concurred in.

Senate Bill No. 55 was returned to the Assembly with a request to designate what amendments were made.

Assembly Bill No. 229, above reported, was read first and second times and referred to the Finance Committee.

Assembly Bill No. 372, above reported, was read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 354, above reported, was read first and second times and referred to the Los Angeles delegation.

Assembly Bill No. 374, above reported, was read first and second times and referred to the Fresno delegation.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
February 18th, 1868. }

Mr. PRESIDENT: The Assembly this day return Senate substitute for Assembly Bill No. 55—An Act to authorize the County Clerk of the City

and County of San Francisco to appoint deputy clerks—with amendments.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

The Senate concurred in the Assembly amendments to Assembly Bill No. 55, above reported.

INTRODUCTION OF BILLS.

By leave, bills were introduced without previous notice, as follows:

By Mr. Maclay—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same.

Read first and second times and referred to the Santa Clara delegation.

Also, an Act to re-incorporate the Town of Santa Clara.

Read first and second times and referred to the Santa Clara delegation.

By Mr. Roberts—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April twenty-seventh, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Military Affairs, and ordered printed.

Also, an Act to provide for the equalization of the State tax among the several counties of the State, and for the appointment of a State Board of Equalization.

Read first and second times and referred to the Joint Committee on Revenue.

By Mr. Lawrence—An Act to amend an Act to divide the State into judicial districts, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times and referred to the San Joaquin, Tuolumne and Mariposa delegations.

By Mr. Curtis—An Act amendatory of an Act entitled an Act defining the time for commencing civil actions, approved April twenty-second, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Ewer—An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Claims.

By Mr. Pendegast—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

Read first and second times and placed on file.

Also, an Act to repeal an Act to authorize the County Treasurers of the Counties of Napa, Lake and Mendocino to collect and receive public moneys as revenue.

Read first and second times and placed on file.

Also, an Act concerning the Clerk of the Board of Supervisors of Napa County.

Read first and second times and placed on file.

Also, an Act requiring the purchasers of the seminary and public building lands on credit to pay the balance due the State.

Read first and second times and placed on file.

By Mr. Perley—An Act granting to certain parties the right to construct and maintain a turnpike road in the County of San Joaquin.

Read first and second times and referred to the Committee on Corporations.

By Mr. Robinson—An Act for the encouragement of silk culture in this State.

Read first and second times and referred to the Committee on Agriculture, and ordered printed.

RESOLUTIONS.

Mr. Lawrence introduced a concurrent resolution that, in the political disturbances now affecting European powers, it is the bounden duty of our Federal Government to jealously protect the rights of naturalized citizens abroad.

Referred to the Committee on Federal Relations.

Mr. Conn introduced a concurrent resolution instructing and requesting our Senators and Representatives to secure the passage of a law by Congress granting aid to the San Diego, Gila, Southern Atlantic and Pacific Railroad Company, in the building and completion of this road from the Port of San Diego, in the County of San Diego, to the Gila River.

Read first and second times and placed on file.

GENERAL FILE.

Senate Joint Resolution No. 45, relative to railroad lands.

Mr. Ewer moved to postpone the consideration of the resolution for two weeks.

Lost.

The resolution was then amended, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill No. 298 was continued on file.

Senate Bill No. 129 was continued on file.

Senate Bill No. 96 was laid on the table.

Senate Bill No. 176 was laid on the table.

Senate Bill No. 142—An Act to amend an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four.

Ordered engrossed.

Senate Bill No. 176 was taken from the table and referred to the Contra Costa and Alameda delegations.

Senate Bill No. 278 was taken from the file and recommitted to the Calaveras delegation.

Senate Bill No. 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

Read a third time and passed.

Senate Bill No. 277—An Act concerning fees in office of certain county officers in Mariposa County.

Mr. Wolcott moved to recommit the bill to the Mariposa delegation.

On the motion, the ayes and noes were demanded by Messrs. Wolcott, Beach and Lawrence.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Green, Hager, Heacock, Johnson, Kincaid, Maclay, Mizner, Morrill, Murch, Pratt, Roberts, Rose, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—22.

NOES—Messrs. Belden, Conn, Mandeville, McDougall, Murphy, Pendegast, Perley—7.

So the motion was carried.

Senate Concurrent Resolution No. 50, relative to the acquisition of British Columbia, was amended.

On ordering the resolution engrossed, the ayes and noes were demanded by Messrs. Mizner, Belden and Maclay.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

NOES—Messrs. Conn, Curtis, Hager, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose, Saunders—14.

So the resolution was ordered engrossed.

Senate Concurrent Resolution No. 46, relative to the establishment of a daily mail route from Latrobe, in El Dorado County, to Lone City, in Amador County, and the establishment of a Post Office on said mail route.

Rules suspended, considered engrossed, read third time and passed.

Senate Bill No. 230 was ordered on top of file for Thursday, February twentieth.

Senate Concurrent Resolution No. —, relative to printing the State Agricultural Society report, was adopted.

Senate Bill No. 199—An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four.

Amendment adopted, and the bill ordered engrossed.

Senate Bill No. 200—An Act to amend an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-two, and all Acts amendatory thereof and supplementary thereto.

Ordered engrossed.

Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six.

Substitute reported adopted, and bill read a third time and passed.

On motion of Mr. Kincaid, at four o'clock and thirty-four minutes p. m., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Wednesday, February 19th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted to Messrs. Hardy and Hunter for one day.

PETITIONS.

Petitions were presented as follows:

By Mr. Wolcott—Two petitions from citizens of Tuolumne County protesting against the repeal of the Sunday Law.

Referred to the Committee on Public Morals.

By Mr. Tweed—Of citizens of Placer County praying exemption from the Anti-fence Law, in the event that it do pass.

Referred to Placer delegation.

By Mr. Pendegast—From citizens of Berryessa Valley, Napa County, praying for the passage of an Act prohibiting animals from running at large.

Referred to the Napa and Lake delegations.

REPORTS.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 223—An Act to amend an Act entitled an Act to amend an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three—having had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 215—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—report the same back without amendments and recommend its passage.

Also, Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title—report the same back and recommend its passage.

Also, Senate Bill No. 239—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one—report the same back and recommend its passage.

Also, Senate Bill No. 237—An Act to authorize certain persons to remove improvements placed upon public lands after said lands have become private property—report the same back without amendment and recommend its passage.

Also, Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids and substances—report the same back with amendments and recommend its passage as amended.

Also, Senate Bill No. 121—An Act to authorize the Governor of the State of California to dispose of certain lands acquired by the State under the Act concerning escheated estates—report the same back with a substitute and recommend the adoption of the substitute.

Also, Senate Bill No. 233—An Act relating to civil and criminal actions and proceedings in the Courts of justice of this State—report the same back with a substitute and recommend the adoption of the substitute.

Also, Senate Bill No. 14—An Act to provide for the distribution of the Reports of the Supreme Court—with the Assembly substitute therefor, and recommend the adoption of the substitute.

Also, Senate Bill No. 275—An Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—report the same back without amendments and recommend its passage.

Also, Senate Bill No. 218—An Act to incorporate Hesperian College, Woodland, Yolo County—and recommend that it do not pass.

BELDEN, Chairman.

Mr. Maclay, Chairman of the Committee on State and County Revenue made the following report:

MR. PRESIDENT: The Committee on State and County Revenue have had under consideration Senate Bill No. 244—An Act to fix the salaries and pay of certain officers of Tuolumne County;

Also, Assembly Bill No. 256—An Act to provide for the collection of the revenue in and for Lake County, and other matters relating thereto;

Also, Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County, and for other purposes;

And report the same back with a recommendation that they be passed.

MACLAY, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 61—An Act for the relief of E. T. Spence, County Treasurer of Nevada County;

Also, Senate Bill No. 113—An Act to appropriate money to pay certain claims;

Also, Senate Bill No. 183—An Act to provide for the payment of grand jurors in the County of San Mateo;

And this day at eleven o'clock A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed. Senate Bill No. 236—An Act to amend an Act entitled an Act concerning public ferries and bridges, approved April eighteenth, eighteen hundred and fifty-five.

Also, Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight.

Also, Senate Bill No. 291—An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California.

WADSWORTH, Chairman.

Mr. Maclay, from the Santa Clara delegation, made the following report:

MR. PRESIDENT: The Santa Clara delegation, to whom was referred Assembly Bill No. 292—An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza, in said city,—have had the same under consideration, herewith report it back, and respectfully recommend its passage.

MACLAY, for Delegation.

Mr. Freeman presented the following report:

MR. PRESIDENT: The Special Committee to whom was referred Assembly Bill No. 374—An Act to provide for the payment of the outstanding indebtedness of Fresno County—having considered the same, report it back and respectfully recommend its passage.

FREEMAN, for Committee.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without previous notice, as follows:

By Mr. Maclay—An Act for the relief of John Hassinger.

Read first and second times and referred to the Judiciary Committee.

By Mr. Mizner—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pendegast (by request)—An Act to authorize John S. Kimball and his assigns to construct two or more chutes at or near the mouth of Salmon River, and to collect tolls for the use of the same.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Heacock—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Conn—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the corporate authorities of the City of Los Angeles in relation thereto; to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company.

Read first and second times and referred to the Los Angeles and San Bernardino delegations.

By Mr. Green—An Act to prevent disobedience of orders by employes of railroads in this State.

Read first and second times and referred to the Committee on Corporations.

By Mr. Mandeville—An Act to create a State Board of Library Directors and to define their powers and duties.

Read first and second times and referred to the Committee on State Library.

By Mr. Murphy—An Act to repeal an Act entitled an Act concerning the official bonds of officers in and for the County of Santa Barbara, approved April twenty-first, eighteen hundred and sixty-six.

Read first and second times and ordered on general file.

By Mr. Rose—An Act concerning hogs found running at large in certain townships in Amador County.

Read first and second times and referred to the Amador delegation.

By Mr. Ewer—An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against said district.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Robinson—An Act to confer on the City Council of the City of Oakland additional powers, and provide for an election in said city.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Roberts—An Act to repeal an Act entitled an Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and placed on file.

By Mr. Pendegast—An Act for the observance of the Sabbath.

Read first and second times and referred to the Committee on Public Morals.

Mr. Pearce was granted leave of absence for two days.

The rules were suspended and Mr. Ewer, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. —: An Act to appropriate money to pay Bond No. 34, issued by authority of an Act of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one—

having had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 141—An Act to provide for the payment of certain unpaid warrants drawn by the Auditor of the County of Mono on the Treasurer of said county—report the same back and recommend that it do not pass.

Also, Senate Bill No. 263—An Act for the relief of J. D. Patterson—report the same back and recommend that it do not pass.

EWER, Chairman.

GENERAL FILE.

Senate Bill No. 213 was continued on file.

Senate Bill No. 251 was continued on file.

Senate Bill No. 66 was continued on file.

Senate Bill No. 129 was placed second on file for Thursday.

Senate Bill No. 316 was referred to the Napa delegation.

Assembly Bill No. 298 was referred to the Judiciary Committee.

Senate Bill No. 303 was referred to the Judiciary Committee.

Senate Concurrent Resolution No. 48, relative to a mail route from Trinity Centre to Sawyer's Bar, in Klamath County.

Rules suspended, considered engrossed, read third time and passed.

Senate Bill No. 307—An Act granting leave of absence to George Whitman, District Attorney of Mono County.

Rules suspended, considered engrossed, read a third time and passed.

Senate Bill No. 314—An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 315—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Concurrent Resolution No. 23, concerning daily mail to Arcata, in Humboldt County, via Hydesville, Rohnerville, and Eureka, from Petaluma.

Read third time and passed.

Assembly Concurrent Resolution No. 24, concerning a tri-weekly mail from Eureka to Petrolia, in Humboldt County.

Read third time and passed.

Assembly Concurrent Resolution No. 26, asking postal facilities from Red Bluff, in Tehama County, etc.

Read third time and passed.

Assembly Concurrent Resolution No. 27, relative to the establishment of a mail route from Weaverville, in Trinity County, to Hydesville, in Humboldt County.

Read third time and passed.

Assembly Bill No. 278 (substitute for Assembly Bill No. 278)—An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

Read third time and passed.

Assembly Bill No. 74—An Act to legalize the acts of the Board of Supervisors of Amador County whilst sitting as a Board of Equalization for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Read third time and passed.

Assembly Bill No. 76—An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.

Read a third time and passed.

Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers, for rafting logs and timber.

Read third time and passed.

Assembly Bill No. 183—An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

Amendment adopted, and bill read a third time and passed.

Senate Bill No. 256—An Act to authorize the Board of Supervisors of El Dorado County to levy an additional tax for county purposes.

Read a third time and passed.

Senate Concurrent Resolution No. 53, relative to obtaining aid from Congress for the San Diego and Gila Southern Atlantic and Pacific Railroad Company, was adopted.

On motion of Mr. Kincaid, Assembly Bill No. 162 was taken from the table and placed on file.

On motion of Mr. Wolcott, Senate Bill No. 224 was taken from the table and placed on file.

UNFINISHED BUSINESS.

The Senate considered proposed Rule No. 52.

Mr. Johnson moved to make the consideration thereof the special order for Wednesday next at three o'clock p. m.

Pending an appeal from the decision of the President on a point of order connected therewith, on motion of Mr. Maclay, at twelve o'clock and forty minutes p. m., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Thursday, February 20th, 1868. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.
Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Johnson—Of citizens of Solano County against the repeal of Sunday Law.

Referred to the Committee on Public Morals.

By Mr. Mandeville—Three petitions from the heirs and representatives of Frederick A. Woodworth, deceased, praying for the passage of the accompanying bill—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

Read first and second times and referred to the Judiciary Committee.

By Mr. Maclay—From officers and Trustees of the California Prison Commission, praying for an appropriation of five thousand dollars.

Referred to the Committee on State Prison and ordered printed.

On motion of Mr. Wolcott, the Engrossing Clerk was instructed to insert the enacting clause in Senate Bill No. 307.

Leave of absence was granted Mr. Heacock for two days.

REPORTS.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 5—An Act to confirm and legalize the assessment roll of Butte County for the year eighteen hundred and sixty-seven;

Also, Senate Bill No. 15—An Act to declare Thomas Jefferson Clunie, a minor, of lawful age;

Also, Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States;

Also, Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County;

Also, Senate Bill No. 181—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Stanislaus County to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six;

And this day at ten o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Conly verbally reported on Senate Bill No. 214, recommending its passage.

Mr. Green, from the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 319—An Act providing a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries—have had the same under consideration, and report the bill back and recommend its passage.

GREEN, for Committee.

Mr. Maclay, Chairman of the Committee on State and County Revenue, made the following report:

MR. PRESIDENT: Your Committee on State and County Revenue have considered Assembly Bill No. 102—An Act granting to the mining counties of this State the foreign miners' tax collected in said counties severally;

Also, Assembly Bill No. 301—An Act to amend section two of an Act entitled an Act in relation to levying county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 363—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six;

And they recommend the passage of the same.

MACLAY, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 360—An Act entitled an Act to legalize the assessment roll of the City of Los Angeles for the year eighteen hundred and sixty-seven—having had the same under consideration, report it back and recommend its passage

Also, Assembly Bill No. 311—An Act to provide for the payment of the Register and Receiver of the United States Land Offices in this State, certain fees—report the same back and recommend its passage.

Also, Assembly Bill No. 207 (substitute for Assembly Bill No. 182)—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six—report the same back and recommend its passage.

Also, Assembly Bill No. 239 (substitute for Assembly Bill No. 108)—An Act for the relief of T. A. Brady—report the same back with a substitute for both the original bill and Assembly substitute, and recommend the adoption of the substitute of the Committee.

Also, Assembly Bill No. 217—An Act to authorize certain parties therein named to construct and maintain a toll road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County—report the same back and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 174—An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments—report the same back and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 167—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved April eighteenth, eighteen hundred and sixty-four—report the same back with amendment and recommend its passage as amended.

BELDEN, Chairman.

Mr. Tabbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The undersigned members of the Finance Committee, constituting a majority thereof, having had under consideration Senate Bill No. 31—An Act to fix the salaries of District Judges—report the same back and recommend its passage.

TUBBS (Chairman),
HARDY,
EWER.

Mr. Tabbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners—report the same back with amendments and recommend its passage as amended.

Also, Senate Bill No. 29—An Act to fix the salaries of certain State officers—report the same back and recommend its passage.

Also, Senate Bill No. 139—An Act to convert all legal tender notes in the State Treasury into bonds of the United States—report it back and recommend that it be indefinitely postponed.

Your committee are led to this course by the fact that the only amounts of any importance in either of the funds are in the General Fund and State Harbor Commissioners' Fund. The Committee on Claims are about to exhaust the greater portion of the notes in the General Fund by reporting a bill recommending the payment of the outstanding Indian War Bonds of eighteen hundred and fifty-two. And after a careful examination of the Act creating the State Board of Harbor Commissioners, your committee are unable to find anything to prevent the Commissioners from using these legal tender notes in payment of contracts for work done under their supervision, provided the same be specified in the proposals as advertised. For this reason, your committee recommend the indefinite postponement of the bill.

Also, Senate Bill No. 146—An Act to furnish the public streets and highways with shade trees—report the same back without recommendation.

After careful consideration of the bill, your committee have been unable to arrive at any definite or even approximate amount of the expense that would be entailed upon the State, and upon the several coun-

ties thereof, should this bill become a law. They therefore report it back without recommendation.

Also, Senate Bill No. 246—An Act to defray the expenses of the State Prison of the State of California, during the fiscal year ending June thirtieth, A. D. eighteen hundred and sixty-eight, and to pay the outstanding debts of the same—report it back and recommend that it be indefinitely postponed, the subject matter of the bill being embodied in the Deficiency Bill, which is already before the Legislature for consideration.

Also, Senate Bill No. 243—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight—report the same back and recommend that it be indefinitely postponed.

Also, Senate Bill No. 30—An Act to fix the salaries of the Justices of the Supreme Court—report the same back without recommendation.

TUBBS, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 199—An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four.

Also, Senate Bill No. 200—An Act to amend an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-two, and all Acts amendatory thereof and supplementary thereto.

Also, Senate Bill No. 317—an Act concerning the Clerk of the Board of Supervisors of Napa County.

Also, Senate Bill No. 142—An Act to amend an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four.

Also, Senate Bill No. 307—An Act granting leave of absence to George H. Whitman, District Attorney of Mono County.

Also, Senate Bill No. 314—An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No. 315—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

Also, Senate Bill No. 330—An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against the same.

Also, Senate Bill No. 331—An Act to confer on the City Council of the City of Oakland additional powers, and to provide for an election in said city.

Also, Senate Concurrent Resolution No. 46, relative to the establishment of a daily mail route from Latrobe, in El Dorado County, to Lone

City, in Amador County, and the establishment of a Post Office on said mail route.

Also, Senate Concurrent Resolution No. 50, relative to acquisition of British Columbia.

WADSWORTH, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT: The Committee on Corporations have had under consideration Senate Bill No. 38—An Act to amend an Act approved April twenty-seventh, eighteen hundred and sixty-three, entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three;

Also, Senate Bill No. 308—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same;

And report back both of said bills with a recommendation that they be indefinitely postponed.

Also, Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, A. D. eighteen hundred and fifty, and the several Acts amendatory thereto—and report back the same with a recommendation that it pass.

PRATT, Chairman.

Mr. Mizner verbally reported on Assembly Joint Resolution No. 8, recommending its passage.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda—have had the same under consideration, report it back with amendments and recommend their adoption.

PERLEY, Chairman.

Mr. Conn, from the Los Angeles and San Bernardino delegation, made the following report:

MR. PRESIDENT: The delegation from Los Angeles and San Bernardino, to whom was referred Senate Bill No. 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the corporate authorities of the City of Los Angeles in relation thereto; to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company—beg leave to report that they have duly considered the bill and made several amendments thereto. They have also examined the several ordinances of the corporate authorities of the City of Los Angeles; also the several conveyances and assignments to said company, and in their opinion the public interest of

the citizens of said city will be promoted by the immediate passage of said bill. They therefore report the bill back and recommend its passage as amended.

CONN, for Delegation.

Mr. Murphy verbally reported on Senate Bill No. 7, recommending its passage.

Mr. Maclay, from the Santa Clara delegation, made the following report:

MR. PRESIDENT: The Santa Clara delegation, to whom was referred Senate Bill No. 309—An Act to incorporate the Town of Santa Clara—have carefully considered the same and recommend its passage without amendment.

MACLAY, for Delegation.

Mr. Robinson verbally reported Senate Bill No. 60, with an amendment, recommending the adoption of the amendment.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 320—An Act for the encouragement of silk culture in this State—have considered the same, and report it back and unanimously recommend its passage.

PERLEY, Chairman.

SPECIAL ORDER.

The time having arrived for the special order of the day, on motion of Mr. Maclay the same was postponed until the order of business shall have been gone through with.

Mr. Hager, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had under consideration Senate Bill No. 205, report the same back with amendments, and respectfully recommend its passage as amended.

HAGER, for Delegation.

SPECIAL ORDER.

The Senate took up Senate Bill No. 16—An Act to repeal an Act entitled an Act relating to criminal prosecutions, approved April second, eighteen hundred and sixty-six—the special order of the day.

On ordering the bill engrossed, Messrs. Johnson, Green and Pendegast demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Conn, Hager, Hunter, Lawrence, Maclay, Mandeville, McDougall, Pendegast, Perley, Rose—10.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Green, Hardy, Johnson, Kincaid, Lewis, Mizner, Morrill, Murch, Murphy, Pratt,

Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—24.

So the Senate refused to order the bill engrossed.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }
February 19th, 1868. }

MR. PRESIDENT: The Assembly on this day adopted substitute for Senate Concurrent Resolution No. 51, relative to accepting invitation of the Mayor and Common Council of Oakland to visit that place on twenty-second instant.

W. S. BYRNE,
Assistant Clerk.

ASSEMBLY CHAMBER, }
February 20th, 1868. }

MR. PRESIDENT: The Assembly on yesterday adopted Assembly substitute for Senate concurrent resolution relative to adjournment on Washington's birthday.

Also, Assembly Concurrent Resolution No. 42, relative to accepting the invitation of the Mayor and Common Council of the City of Oakland.

Also, Assembly Bill No. 192—An Act to provide for paving the streets in the City and County of San Francisco.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Substitute for Senate Concurrent Resolution No. 51, above reported, was adopted.

On concurring in Assembly Concurrent Resolution No. 42, above reported, Messrs. Murch, Hunter and Hardy demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hager, Hardy, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wolcott—31.

NOES—Messrs. Bradley, Conn, Johnson, Murch, Wadsworth—5.

So the Senate concurred.

Assembly Bill No. 192, above reported, was read first and second times and referred to San Francisco delegation.

SECOND SPECIAL ORDER.

The consideration of the veto message on Assembly Bill No. 238.

On the question, Shall the bill pass, notwithstanding the objections of the Governor? the roll was called with the following result:

AYES—Messrs. Beach, Bradley, Chappell, Conly, Curtis, Freeman, Green, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Rose, Saunders, Shaw, Teegarden, Wadsworth—27.

NOES—Messrs. Belden, Conn, Ewer, Hager, Hardy, Roberts, Robinson, Tubbs, Tweed, Wolcott—10.

Mr. Mandeville moved to dispense with the calling of the absentees.

Mr. Roberts raised the point of order, that no vote could be taken during a roll call other than the one being taken.

The President decided the point of order well taken.

GENERAL FILE.

Senate Bill No. 236—An Act to amend an Act entitled an Act concerning public ferries and bridges, approved April eighteenth, eighteen hundred and fifty-five.

Read third time and passed.

Senate Bill No. 240 was continued on file.

Senate Bill No. 129 was continued on file.

Senate Bill No. 223—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-second, eighteen hundred and sixty-four.

Mr. Lawrence moved to have the usual number of copies printed.

Mr. Rose moved to amend by inserting that the usual number of copies be ordered printed, and that the bill be placed on top of the file for Tuesday next.

The amendment was accepted, and the original motion prevailed.

Senate Bill No. 215 was passed on file.

Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title.

Ordered engrossed.

Senate Bill No. 234—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

Ordered engrossed.

Senate Bill No. 237—An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property.

Ordered engrossed.

Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids and substances.

Amendments adopted, and the bill ordered engrossed.

Senate Bill No. 121—An Act to authorize the Governor of the State of California to dispose of certain lands acquired by the State under the Act concerning escheated estates.

Substitute adopted, and ordered engrossed.

Senate Bill No. 14—An Act to provide for the distribution of the reports of the Supreme Court.

Assembly amendments concurred in.

Senate Bill No. 233—An Act relating to civil and criminal actions and proceedings in the Courts of justice in this State.

Substitute adopted, and bill ordered engrossed.

Senate Bill No. 215—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—was placed on top of file for Wednesday next.

INTRODUCTION OF BILLS.

The rules were suspended, and bills were introduced by leave, as follows :

By Mr. Hager—An Act creating the office of Insurance Commissioner and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks as security for transacting business in this State.

Read first and second times and referred to the Judiciary Committee.

Also, an Act prescribing certain conditions for the transaction of insurance business in this State.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pratt—An Act for the better protection of the people of this State from loss on account of insurance of property, or funds on deposit, or held in trust, or for the purpose of investment in charge or custody of any individual, company or corporation doing business in this State.

Read first and second times and referred to Judiciary Committee.

GENERAL FILE RESUMED.

Senate Bill No. 275—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 218—An Act to incorporate Hesperian College, Woodland, Yolo County.

Recommended to its author, Mr. Mizner.

Senate Bill No. 244—An Act to fix the salaries and pay of certain officers in Tuolumne County.

Recommended to the Tuolumne delegation.

Assembly Bill No. 256—An Act to provide for the collection of the revenue in and for Lake County, and other matters relating thereto.

Amendment adopted, and bill read a third time and passed.

Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County, and for other purposes.

Recommended to the Committee on State and County Revenue.

Senate Bill No. 292—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one, and all Acts and parts of Acts amendatory thereof or supplemental thereto.

Ordered to the foot of the file.

Assembly Bill No. 374—An Act to provide for the payment of the outstanding indebtedness of Fresno County.

Amended, read a third time and passed.

Senate Bill No. 328—An Act to repeal an Act entitled an Act concerning the official bonds of the officers in and for the County of Santa Barbara.

Referred to Judiciary Committee.

Senate Bill No. 213—An Act for the relief of Daniel McLean.

Laid on the table.

Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County.

Ordered on file for Tuesday next.

Senate refused to concur in Assembly amendment to Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands.

Assembly Bill No. 162—An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line or lines of telegraph in this State between the Town of San Mateo, in San Mateo County, and the Town of Pescadero, in Santa Cruz County.

Mr. Hager moved to make the bill the special order for Wednesday next.

Lost.

On the indefinite postponement of the bill, as recommended by the committee, Messrs. Hager, Robinson and Belden demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Belden, Ewer, Johnson, Murch, Pratt, Roberts, Robinson, Tubbs, Wolcott—9.

NOES—Messrs. Bradley, Conly, Curtis, Green, Hager, Hardy, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Murphy, Pendegast, Perley, Rose, Shaw, Teegarden—20.

So the Senate refused to indefinitely postpone.

The bill was then read a third time and passed.

Senate Bill No. 224—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, amended March sixth, eighteen hundred and sixty-three.

Mr. Mandeville moved to pass the bill on file until Tuesday next.

The Senate, on dividing, stood sixteen in the affirmative and sixteen in the negative. The motion prevailed, the President voting in the affirmative.

The President in the chair.

The rules were suspended, and Mr. Mizner had leave to make a verbal report recommending the passage of Senate Bill No. 218.

Mr. Mizner moved to suspend the rules and consider the bill now.

Lost.

NOTICE.

Mr. Belden gave notice that he would at an early day introduce a bill repealing all general laws providing for the formation of corporations for religious, charitable, commercial, mechanical, mining and other purposes.

REPORTS.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT : The Committee on Enrolment have examined and find

correctly enrolled, Senate Bill No. 287—An Act to appropriate money for the contingent expenses of the Legislature ;

And this day, at two o'clock and fifteen minutes p. m., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Maclay verbally reported Assembly Bill No. 6, with an amendment, recommending its passage.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without notice, as follows :

By Mr. Roberts—An Act to authorize the issuance of duplicate school warrants to Merritt Harden and William Platt.

Read first and second times and referred to the Committee on Claims.

By Mr. Pendegast—An Act supplementary and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino.

Read first and second times and referred to Committee on State and County Revenue.

By Mr. Green—An Act to appropriate money for the formation of a library for the instruction and use of the convicts in the State Prison.

Read first and second times and referred to the Committee on State Prison.

Also, an Act to prevent contagious diseases among cattle and stock.

Read first and second times and referred to the Committee on Agriculture.

NOTICES.

Notices of the introduction of bills were given, as follows :

By Mr. Lewis—An Act allowing mileage to persons in the County of Tehama.

Also, an Act levying a special tax for the construction of bridges in Tehama County.

Mr. Lewis gave notice that he would on to-morrow move a reconsideration of the vote by which the Senate this day passed Assembly Bill No. 344, over the Governor's veto.

On motion of Mr. Mandeville, Senate Bill No. 263 was taken from the file and recommitted to the Committee on Claims.

RESOLUTION.

Mr. Robinson offered the following resolution, which was adopted :

Resolved, That the Sergeant-at-Arms be instructed to procure all letters and papers addressed to Senators, from the post and express offices of this city, and distribute them in their respective boxes before half-past eight o'clock in the morning; and that said officer be directed to report to the Senate the names of all attachés subject to his orders who shall be hereafter inattentive to their duties.

REPORT.

The rules were suspended, and Mr. Pendegast had leave to make the following report:

MR. PRESIDENT: The Napa delegation beg leave to report back Senate Bill No. 316—An Act to repeal an Act to authorize the County Treasurers of the Counties of Napa, Lake and Mendocino to collect and receive certain moneys as revenue—with a substitute, and recommend the adoption of the substitute.

PENDEGAST, for Delegation.

GENERAL FILE RESUMED.

Senate Bill No. 28—An Act to appropriate money to pay Bond No. 34, issued by authority of an Act of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one.

Amended and passed on file.

Senate Bill No. 141—An Act to provide for the payment of certain unpaid warrants, drawn by the Auditor of the County of Mono upon the Treasurer of said county.

Passed on file.

Senate Bill No. 290—An Act to provide for the appointment of additional Notaries in the City and County of San Francisco.

Referred to the Judiciary Committee.

Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Returned to file.

Senate Bill No. 263—Act for the relief of J. D. Patterson.

Recommitted to the Committee on Claims.

The rules were suspended, and Mr. Curtis had leave to introduce a bill for an Act to establish a Board of Health in the City of Sacramento.

Read first and second times and referred to the Judiciary Committee.

At three o'clock, on motion of Mr. Mandeville, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Friday, February 21st, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. Mr. Curry.

Journal of yesterday read and amended by striking out the name of Mr. Mandeville as making a motion to dispense with calling of the absentees.

Mr. Teegarden had leave to have his name recorded as voting in favor of the acceptance of the invitation to visit the City of Oakland.

SPECIAL ORDER.

The time having arrived for the special order of the day, Senate Bill No. 319 (substitute for Senate Bill No. 13)—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments—Mr. Johnson moved to postpone the same until one week from next Tuesday.

Carried.

The President presented the following communication :

MECHANICS' STATE COUNCIL OF CALIFORNIA.)
SAN FRANCISCO, February 20th, 1868. }

Hon. WILLIAM HOLDEN,

Lieutenant-Governor :

SIR: Last night the following preamble and resolutions were unanimously adopted by the Council :

WHEREAS, The Mechanics' State Council has spent much time and money in preparing a bill for an efficient lien law, which has been introduced into the Assembly by our friend Hon. Matthew Canavan ; and whereas, we have been informed that it is proposed by some of the members of the Legislature to amend it so as to weaken its effectiveness ; therefore,

Resolved, That we earnestly request the Legislature to pass Canavan's bill without amendment, and that this preamble and resolutions be published and a copy sent to each of the Governors and members of the Legislature.

Resolved, That the Governor and members of the Legislature are respectfully invited to be present and witness our grand torchlight procession in honor of the legal inauguration of the eight hour system in this State, and also to take part in the public speaking on Saturday

night, the twenty-second of February, eighteen hundred and sixty-eight.

We have the honor to be your obedient servants,

A. M. WINN, President.

W. D. DELANEY, Secretary.

REPORTS.

Mr. Bradley, Chairman of the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 211—An Act to create the County of Alta, and to define its boundaries and provide for its organization—have had the same under consideration, report the same back and recommend that it do not pass.

BRADLEY (Chairman),
CONLY,
PENDEGAST,
McDOUGALL,
TEEGARDEN.

Mr. Maclay, Chairman of the Committee on State and County Revenue, made the following report :

MR. PRESIDENT: The Committee on State and County Revenue have had under consideration Senate Bill No. 216—An Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one; and Assembly Bill No. 115—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—and report the same back, and recommend that they be referred to the Joint Committee on Revenue.

MACLAY, Chairman.

Mr. Green, Chairman of the Committee on State Prison, made the following report :

MR. PRESIDENT: The Committee on State Prison, to whom was referred Senate Bill No. 285—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals—have had the same under consideration, and report the bill back with amendment and recommend its passage as amended.

GREEN, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report :

MR. PRESIDENT: The Committee on Corporations have had under consideration, Senate Bill No. 319—An Act granting to certain parties the right to construct and maintain a turnpike road in the County of

San Joaquin—and now report it back with a substitute, recommending the adoption of the substitute.

PRATT, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 50—An Act supplementary to an Act entitled an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono road, near West Walker River, to a point in the Antelope Valley, and the right to collect tolls for travel thereon, approved February ninth, eighteen hundred and sixty-six ;

Also, Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges ;

Also, Senate Bill No. 193—An Act to authorize D. W. McCallum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County ;

Also, Senate Bill No. 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for establishing gas works in Los Angeles City ;

And this day at eleven o'clock and ten minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 275—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Also, Senate Bill No. 237—An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property.

Also, Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids and substances.

Also, substitute for Senate Bill No. 233—An Act in relation to witnesses.

Also, substitute for Senate Bill No. 14—An Act to amend section nine of an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April nineteenth, eighteen hundred and fifty-six.

WADSWORTH, Chairman.

Mr. Tweed, from the Committee on Judiciary, reported as follows :

MR. PRESIDENT: The Committee on Judiciary ask leave to report a bill amending the Act authorizing the formation of corporations for the construction of plank or turnpike roads, and recommend its passage.

TWEED, for Committee.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, reported as follows:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco—have had the same under consideration, adopted a substitute therefor, report the original bill and the substitute back, and recommend the passage of the substitute.

MIZNER, Chairman.

The rules were suspended, and Mr. Roberts had leave to present a petition from citizens of Nevada County protesting against the repeal of the Sunday Law.

Referred to the Committee on Public Morals.

The rules were again suspended, and Mr. Teegarden had leave to introduce a bill for an Act to amend section first of Article one hundred and thirty-six of an Act approved April sixteenth, eighteen hundred and fifty-nine, supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to the Committee on Public Morals.

Mr. Maclay offered a proposed amendment to the Constitution of the State.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

The rules were again suspended, and Mr. Hager had leave to introduce a bill for an Act to equalize taxation among the counties of this State.

Read first and second times, and Mr. Hager moved that the bill be ordered printed.

After some discussion, Mr. Hager withdrew his motion.

Mr. Johnson renewed the same.

The ayes and noes were demanded on the proposition, and the Senate refused, by the following vote:

AYES—Messrs. Conly, Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Morrill, Pendegast, Rose—15.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Saunders, Shaw, Tubbs, Tweed, Wadsworth, Wolcott—19.

The bill was then referred to the Joint Committee on Revenue.

Leave of absence was granted to Mr. Teegarden for one day.

The rules were suspended, and Mr. Freeman had leave to introduce a bill for an Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges.

Read first and second times and placed on file.

Mr. Morrill introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes in said county, approved February twenty-sixth, A. D. eighteen hundred fifty-nine.

Read first and second times and referred to the Committee on State and County Revenue.

RESOLUTIONS.

Mr. Curtis introduced the following resolution :

Resolved, That the invitation of the Mechanics' State Council of California, to be present and witness the grand torchlight procession in honor of the inauguration of the Eight-hour Law in this State, on Saturday night, February twenty-second, eighteen hundred and sixty-eight, be accepted by the Senate.

Adopted.

Mr. Pendegast introduced the following resolution :

Resolved, That during the visit of the Legislature to Oakland and San Francisco, the Committee on Mines and Mining, of the Senate, be requested to visit the office of the State Geological Survey and examine the amount of work done, and necessary to be done to complete the State Geological Survey, and report to the Senate such information as they can obtain, with a view of aiding the judgment of the Senate as to the propriety of further appropriations for the continuance of said survey.

Adopted.

On motion of Mr. Maclay, at twelve o'clock and ten minutes, the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 25th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Friday, February twenty-first, read and approved.

PETITIONS.

Petitions were presented as follows :

By Mr. Hunter—From citizens of Nevada, El Dorado and Placer Counties, praying for a reduction in the rates of fare, etc., on the Central Pacific Railroad.

Laid on the table

By Mr. Belden—From the taxpayers of Nevada County, praying for

the passage of an Act authorizing and enabling them to levy a tax for general purposes, not exceeding one dollar per hundred of valuation for the year ending in May, A. D. eighteen hundred and seventy, being for two years, in order that the City Government may be able to meet the extraordinary expenditures demanded by the circumstances.

Referred to the Nevada delegation.

By Mr. Rose—From residents of Township Number Four, Amador County, praying for the passage of an Act prohibiting hogs from running at large.

REPORTS.

Mr. Wadsworth, from the Committee on Engrossment, made the following report :

MR. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 234—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title.

Also, substitute for Senate Bill No. 121—An Act to provide for the sale of escheated estates.

WADSWORTH, Chairman.

Mr. Green verbally reported substitute for Senate Bill No. 306, recommending the passage of the same.

Mr. Saunders, from the San Francisco delegation, made the following report :

MR. PRESIDENT : The San Francisco delegation have had the following bills under consideration, report the same back and respectfully recommend their passage :

Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

Also, Senate Bill No. 266—An Act to amend an entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire, in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six—with an amendment.

Also, Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four.

SAUNDERS, for Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 20th, 1868. }

To the Senate of the State of California :

I herewith transmit to your honorable body, the report of W. P. Blake, Commissioner to the World's Fair, appointed by my predecessor in office under Concurrent Resolution No. 32, adopted March twenty-ninth, eighteen hundred and sixty-six.

As there is but one copy of this report, I respectfully request your honorable body to advise the Assembly of its reception.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 20th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 183—An Act to provide for the payment of grand jurors in the County of San Mateo.

Also, Senate Bill No. 61—An Act for the relief of E. F. Spence, County Treasurer of Nevada County.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 21st, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 287—An Act to appropriate money for the contingent expenses of the Legislature.

Also, Senate Bill No. 140—An Act to provide for the payment of the salary of the District Attorney of Shasta County.

Also, Senate Bill No. 116—An Act to exempt from taxation certain lands belonging to the United States in San Francisco, and ceding jurisdiction over the same to the United States.

Also, Senate Bill No. 181—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
February 20th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed Assembly Bill No. 148—An Act to grant to certain parties the right of way for a railroad track within the City and County of San Francisco, and to run horse cars thereon.

Also, Assembly Bill No. 368—An Act concerning water ditches and water privileges for agricultural and manufacturing purposes, in the County of Tulare.

Also, Assembly Bill No. 260—An Act entitled Act to authorize Evert C. Evertson, his heirs or assigns, to remove the remains of deceased persons from an abandoned graveyard in the City of Los Angeles.

Also, Assembly Bill No. 380—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes.

Also, Senate Bill No. 189—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and associates to construct a turnpike road in Napa and Lake Counties, approved March eighteenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 332—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisors in the County of San Diego.

Also, Senate Bill No. 203—An Act to amend an Act concerning ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five.

Also, refused to pass substitute for Senate Bill No. 55—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Also, passed Assembly Bill No. 179—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta.

Also, Senate Bill No. 287—An Act to appropriate money for contingent expenses of the Legislature.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
February 21st, 1868. }

MR. PRESIDENT: The Assembly have this day passed Senate Bill No. 271—An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
February 25th, 1868. }

Mr. PRESIDENT: The Assembly have passed Assembly Bill No. 355—An Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty.

Also, Assembly Bill No. 329—An Act to incorporate the Santa Cruz Savings Bank.

Also, Assembly Bill No. 313—An Act to authorize the Board of Supervisors of Sutter County to enter upon, condemn, and take possession of a certain tract of land, to be used as a public graveyard.

Also, Assembly Bill No. 307—An Act to regulate fees in office.

Also, Assembly Concurrent Resolution No. 40, relative to securing the passage of a law by Congress granting aid to the Oroville and Virginia City Railroad Company.

Also, Assembly Bill No. 172—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County.

Also, Assembly Bill No. 361—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four.

Also, Assembly Bill No. 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara.

Also, Assembly Bill No. 316—An Act to authorize the Supervisors of the City and County of San Francisco to compromise with the adverse claimants to lots in Lafayette Park and Alamo Square.

Also, Assembly Bill No. 77—An Act to repeal part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 148, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 368, above reported, was read first and second times and placed on file.

Assembly Bill No. 260, above reported, was read first and second times and placed on file.

Assembly Bill No. 380, above reported, was read first and second times and referred to the Colusa delegation.

Assembly Bill No. 332, above reported, was read first and second times and referred to the San Diego delegation.

Assembly Bill No. 179, above reported, was read first and second times and referred to the Shasta delegation.

Assembly Bill No. 307, above reported, was read first and second time.

On a motion to refer the bill to the Committee on State and County Revenue, Messrs. Hardy, Lewis and Green demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Chappell, Lawrence, Mizner, Murch, Murphy, Roberts, Rose, Saunders, Wadsworth, Wolcott—10.

NOES—Messrs. Belden, Bradley, Conn, Curtis, Freeman, Green, Hardy, Heacock, Hunter, Kincaid, Lewis, Morrill, Pearce, Tubbs—14.

So the motion was lost.

The bill was then referred to the Judiciary Committee.

Assembly Bill No. 355, above reported, was read first and second times and placed on file.

Assembly Bill No. 361, above reported, was read first and second times and placed on file.

Assembly Bill No. 329, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 313, above reported, was read first and second times and referred to the Committee on Public Morals.

Assembly Bill No. 193, above reported, was read first and second times and referred to Santa Clara delegation.

Assembly Bill No. 297, above reported, was read first and second times and referred to the Placer delegation.

Assembly Concurrent Resolution No. 40, above reported, was read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 316, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 77, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 172, above reported, was read first and second times and referred to the Sonoma delegation.

INTRODUCTION OF BILLS.

By leave, bills were introduced without previous notice, as follows:

By Mr. Tweed—An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times and referred to Judiciary Committee, and ordered printed.

By Mr. Conn—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wolcott—An Act to amend an Act to provide for the conveyance of mining claims, approved April thirteenth, eighteen hundred and sixty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to authorize the sale and conveyance to William Dunphy and others, of certain overflowed lands and to carry on the business of

slaughtering thereon, within the limits of the City and County of San Francisco.

Read first and second times and referred to San Francisco delegation.

By Mr. Rose—A memorial to Congress in relation to the claims of J. M. Hutchings and J. C. Lamon.

Read first and second times and placed on file.

Also, an Act to provide for the sale of overflowed and tide lands to certain homestead and other associations, in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

RESOLUTION.

Mr. Shaw offered the following resolution :

Resolved by the Senate, the Assembly concurring, That we view the recent action of members of Congress, seeking to force one of the Bureaus of the Executive Department of the United States Government from the control of the Chief Executive thereof, as unadvisable, and as revolutionary in its tendencies; and that our Senators in Congress are instructed, and our Representatives in Congress are requested, not to encourage, assist or advise said proceeding.

In the course of Mr. Shaw's remarks Mr. Mizner raised the point of order, that a Senator had no right to discuss the merits of a bill on a motion to refer.

The President decided the point of order well taken.

Mr. Kincaid moved that the Senator be allowed leave; upon which objections were made.

On the question, "Shall the Senator have leave?" Messrs. Kincaid, Lewis and Mizner demanded the ayes and noes, and the Senate refused by the following vote :

AYES—Messrs. Conn, Curtis, Freeman, Kincaid, Lawrence, Morrill, Murphy, Pearce, Rose—9.

NOES—Messrs. Belden, Bradley, Chappell, Green, Hardy, Mizner, Murch, Roberts, Tweed, Wadsworth, Wolcott—11.

Mr. Shaw moved to make the resolution the special order for Thursday next at half past two o'clock P. M.

Lost.

On a motion to refer to the Committee on Federal Relations, Messrs. Shaw, Pearce and Lewis demanded the ayes and noes, and the Senate agreed, by the following vote :

AYES—Messrs. Belden, Bradley, Chappell, Green, Hardy, Mizner, Murch, Roberts, Tweed, Wadsworth, Wolcott—11.

NOES—Messrs. Conn, Curtis, Hunter, Kincaid, Lawrence, Morrill, Murphy, Pearce, Rose, Shaw—10.

GENERAL FILE.

Senate Bill No. 223—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the

affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-second, eighteen hundred and sixty-four.

Ordered engrossed.

Senate Bill No. 199 was continued on file.

Senate Bill No. 200 was continued on file.

Senate Bill No. 142 was continued on file.

On motion of Mr. Freeman, Senate Bill No. 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four—was taken up out of its order.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Concurrent Resolution No. 50, relative to the acquisition of British Columbia.

Pending consideration of the resolution, on motion of Mr. Lewis, at half past four o'clock P. M. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.
Wednesday, February 26th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Pratt had leave to have his name recorded as being present at roll-call.

The President announced the appointment of Robert Beatty as Post Office Page, *vice* Walter Wilber, removed.

PETITION.

Mr. Rose presented a petition from citizens of Township Number Two, Amador County, praying for the repeal of the present Hog Law.

REPORTS.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 23—An Act granting certain rights

and water privileges to the California Dry Dock Company—have had the same under consideration, adopted a substitute therefor, report the original bill and the substitute back, and recommend the passage of the substitute.

MIZNER,
SHAW,
GREEN,
PRATT.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 321—An Act for the relief of John Hassinger—having had the same under consideration, report it back and recommend that it be referred to the Committee on Claims.

Also, Senate Bill No. 326—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—report the same back and recommend that it be indefinitely postponed.

BELDEN, Chairman.

Mr. Green, Chairman of the Committee on State Prison, made the following report:

MR. PRESIDENT: Your Committee on State Prison, to whom was referred Senate Bill No. 337—An Act to appropriate money for the formation of a library for the instruction and use of the convicts in the State Prison—have had the same under consideration, and report the bill back and recommend its passage.

GREEN, Chairman.

Mr. Bradley, from the Placer delegation, made the following report:

MR. PRESIDENT: The Placer delegation, to whom was referred Assembly Bill No. 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four—report the same back and recommend its passage.

BRADLEY, for Delegation.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without previous notice, as follows:

By Mr. Mizner—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund part of the debt of said County of Solano, and other matters relating to said railroad company.

Read first and second times and referred to the Solano delegation.

The rules were suspended, and Mr. Lewis had leave to make a verbal report on Assembly Bill No. 380—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes—recommending its passage.

By Mr. Conly—An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

Read first and second times and referred to the Committee on Corporations.

By Mr. Tweed—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto.

Read first and second times and referred to the Committee on Corporations.

By Mr. Wadsworth—An Act to provide for the re-funding the funded debt of Siskiyou County.

Read first and second times and placed on file.

By Mr. Pearce—An Act to provide for the adoption of minor children.

Read first and second times and referred to Judiciary Committee.

By Mr. Hager—An Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, and entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof.

Read first and second times and referred to the Judiciary Committee.

Also, an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Read first and second times and referred to the San Francisco delegation.

REPORT.

Mr. Murch, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 179—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta;

And this day at eleven o'clock A. M. presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Conn presented a memorial to Congress and resolution instructing our Senators and Representatives in Congress to ask aid for the Southern Pacific Railroad.

Read first and second times; rules suspended, considered engrossed, read third time and passed, and ordered immediately transmitted to the Assembly.

UNFINISHED BUSINESS.

Senate Concurrent Resolution No. 50, relative to acquisition of British Columbia, was taken up.

Mr. Pearce moved to recommit with the following instructions: Add to second resolution the words:

"And also carefully provide, in any treaty of cession to that end, that the right of the people of such territory to control all their domestic institutions in their own way, without any interference whatever from Congress, shall forever be and remain inviolate."

Mr. Hager offered the following amendment:

"*Provided*, That it shall be first ascertained, by memorial or otherwise, that the people of British Columbia desire a change of Government."

Mr. Murch moved the previous question, which was ordered.

The amendment offered by Mr. Hager was lost.

The question recurring on the instructions offered by Mr. Pearce, the Senate refused to so order.

On the adoption of the resolutions, Messrs. Lewis, Pearce and Pendegast demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hager, Hardy, Hunter, Kincaid, Lewis, Mizner, Morrill, Murch, Murphy, Pratt, Roberts, Rose, Saunders, Tubbs, Tweed, Wadsworth, Wolcott—24.

NOES—Messrs. Conn, Curtis, Freeman, Lawrence, Mandeville, Pearce, Pendegast, Robinson—8.

So the resolution was adopted.

GENERAL FILE.

Senate Bill No. 199—An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four.

On the passage of the bill, Messrs. Rose, Conn and Murphy demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hager, Hardy, Heacock, Lawrence, Lewis, Mizner, Murch, Pearce, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Green, Hunter, Kincaid, Mandeville, Morrill, Murphy, Pendegast, Rose, Saunders—12.

So the bill was passed.

Mr. Lewis gave notice of a motion to reconsider.

Senate Bill No. 200—An Act to amend an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-two, and all Acts amendatory thereof and supplementary thereto.

Mr. Lewis moved to recommit with the following instructions: Amend section first by adding the following after the word "Spanish," in the tenth line:

"And all local laws applicable to the Counties of Marin, Contra Costa, Alameda, San Joaquin, Kern, Tulare, Santa Clara, Monterey, Santa Cruz, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara, San Diego, Mariposa and Merced."

On the adoption of the same, Messrs. Belden, Mizner and Lewis demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conn, Curtis, Freeman, Green, Hager, Hunter, Kincaid, Lawrence, Lewis, Mandeville, Morrill, Murphy, Pearce, Pendegast, Pratt, Rose, Saunders, Shaw—18.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hardy, Heacock, Mizner, Mureh, Roberts, Robinson, Tweed, Wadsworth, Wolcott—15.

So the motion was carried.

Senate Bill No. 142 was continued on file.

Assembly Bill No. 102 (substitute for Assembly Bill No. 102)—An Act granting to the mining counties of this State the foreign miners' tax collected in said counties severally.

Mr. Pearce moved to recommit the bill to the Committee on Finance.

The ayes and noes were demanded by Messrs. Pearce, Murphy and Conn.

The vote was as follows :

AYES—Messrs. Conn, Hager, Kincaid, Mizner, Murphy, Pearce, Robinson, Saunders, Shaw—9.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hardy, Hunter, Lawrence, Lewis, Mandeville, Morrill, Mureh, Pendegast, Pratt, Roberts, Rose, Tweed, Wadsworth, Wolcott—23.

So the motion was lost. •

Mr. Robinson moved to place the bill first on file for to-morrow.

Lost.

Mr. Hager offered the following amendment: Amend by adding the following to section one:

"And all taxes levied and collected upon real estate in the agricultural counties of this State shall be paid into the County Treasury of the county where the same is collected."

Lost.

On the passage of the bill, the ayes and noes were demanded by Messrs. Pendegast, Lewis and Hager.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hardy, Hunter, Lawrence, Lewis, Mandeville, Mizner, Morrill, Mureh, Murphy, Pendegast, Pratt, Roberts, Rose, Tweed, Wadsworth, Wolcott—25.

NOES—Messrs. Conn, Hager, Kincaid, Pearce, Robinson, Saunders, Shaw, Tubbs—8.

So the bill was passed.

Senate Bill No. 214—An Act concerning roads and highways in the County of San Mateo.

The bill was amended, the rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 319—An Act providing a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries.

Read a third time and passed.

Assembly Bill No. 301—An Act to amend section two of an Act entitled an Act in relation to levying county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 363—An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six.

Read third time and passed.

Assembly Bill No. 360—An Act entitled an Act to legalize the assessment roll of the City of Los Angeles for the year eighteen hundred and sixty-seven.

Read third time and passed.

Assembly Bill No. 311—An Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State certain fees.

Read third time and passed.

Assembly Bill No. 207 (substitute for Assembly Bill No. 182)—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six.

Read third time and passed.

Assembly Bill No. 239 (substitute for Assembly Bill No. 108)—An Act for the relief of T. A. Brady.

On the adoption of the substitute, as recommended by the committee, the ayes and noes were demanded by Messrs. Mandeville, Lewis and Pendegast.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Green, Hager, Hardy, Mizner, Murch, Pearce, Pendegast, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—21.

NOES—Messrs. Conn, Freeman, Hunter, Lawrence, Mandeville, Morrill, Rose, Saunders—8.

So the substitute was adopted.

The bill was then amended, and placed top of file for Thursday, February twenty-seventh.

Assembly Bill No. 217—An Act to authorize certain parties therein

named to construct and maintain a toll road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County.

Indefinitely postponed.

Assembly Bill No. 174—An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments.

Indefinitely postponed.

Assembly Bill No. 167—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eleventh, eighteen hundred and sixty-three, approved April eighteenth, eighteen hundred and sixty-four.

Amended, read a third time and passed.

Senate Bill No. 31—An Act to fix the salaries of District Judges—was amended.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Murch, Wolcott and Mizner.

The vote was as follows :

AYES—Messrs. Chappell, Ewer, Hardy, Heacock, Mizner, Murch, Roberts, Tubbs, Tweed, Wadsworth—10.

NOES—Messrs. Beach, Belden, Conly, Conn, Curtis, Freeman, Green, Hager, Hunter, Kincaid, Lawrence, Lewis, Mandeville, Morrill, Murphy, Pearce, Pendegast, Pratt, Robinson, Saunders, Wolcott—21.

So the Senate refused to order the bill engrossed.

Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners.

Recommitted to the Committee on Finance.

Senate Bill No. 29—An Act to fix the salaries of certain State officers.

Mr. Murch offered the following amendment : Amend section one, by adding as follows :

“To the Superintendent of Public Instruction, two thousand five hundred dollars.

“To the Surveyor-General, one thousand five hundred dollars.

“To the Register of the State Land Office, one thousand five hundred dollars.”

Lost.

On ordering the bill engrossed, Messrs. Pearce, Lewis and Tweed demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Chappell, Ewer, Hardy, Heacock, Mizner, Murch, Roberts, Tubbs, Wadsworth—9.

NOES—Messrs. Beach, Belden, Conly, Conn, Curtis, Freeman, Green, Hager, Hunter, Kincaid, Lawrence, Lewis, Mandeville, Morrill, Murphy, Pearce, Pendegast, Pratt, Robinson, Saunders, Tweed, Wolcott—22

So the Senate refused.

Senate Bill No. 139—An Act to convert all legal tender notes in the State Treasury into bonds of the United States.

Indefinitely postponed.

Senate Bill No. 146—An Act to furnish the public streets and highways with shade trees.

Amended and, on motion of Mr. Hager, recommitted to the Judiciary Committee.

Senate Bill No. 246—An Act to defray the expenses of the State Prison of the State of California, during the fiscal year ending June thirtieth, A. D. eighteen hundred and sixty-eight, and to pay the outstanding debts of the same.

On motion of Mr. Ewer, the bill was withdrawn.

Senate Bill No. 243—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Recommitted to the Finance Committee.

Senate Bill No. 30—An Act to fix the salaries of the Justices of the Supreme Court.

On ordering the bill engrossed, Messrs. Murch, Mizner and Mandeville demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Chappell, Ewer, Hardy, Heacock, Mizner, Murch, Roberts, Tubbs, Wadsworth—9.

NOES—Messrs. Beach, Belden, Conly, Conn, Curtis, Freeman, Green, Hager, Kincaid, Lawrence, Mandeville, Morrill, Murphy, Pearce, Pendergast, Pratt, Saunders, Tweed, Wolcott—19.

So the Senate refused.

Senate Bill No. 38—An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three.

Indefinitely postponed.

Senate Bill No. 308 was continued on file.

Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, A. D. eighteen hundred and fifty, and the several Acts amendatory thereto.

Ordered engrossed and read a third time.

Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County.

Read third time and passed.

Senate Bill No. 240—An Act to define the limits of the wards, and the Supervisor and school districts of the City of Sacramento.

Laid on the table.

Senate Bill No. 215—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Ordered engrossed and read a third time.

Senate Bill No. 218—An Act to incorporate Hesperian College, Woodland, Yolo County.

On motion of Mr. Mizner the bill was withdrawn.

Senate Bill No. 141 was passed on file and ordered first on file for tomorrow.

Senate Bill No. 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts

of the corporate authorities of the City of Los Angeles in relation thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company.

Amended, rules suspended, considered engrossed, read a third time and passed.

Senate Bill No. 316—An Act to repeal an Act to authorize the County Treasurers of the Counties of Napa, Lake and Mendocino to collect and receive certain moneys as revenue.

Substitute adopted, and passed on file.

INTRODUCTION OF BILLS.

The rules were suspended, and Mr. Pendegast had leave to introduce a bill for an Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three.

Read first and second times and placed on file.

GENERAL FILE RESUMED.

Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco.

Ordered top of file for to-morrow.

Senate Bill No. 60—An Act for the protection of game.

Amended and ordered engrossed.

Senate Bill No. 309 was passed on file.

Assembly Bill No. 292—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda.

Amended and recommitted to the Committee on Agriculture with instructions to report a printed substitute.

Assembly Joint Resolution No. 8, relative to erecting a light-house at the Town of Trinidad.

Read third time and passed.

Assembly Bill No. 6—An Act to provide for the payment of the debt of Inyo County, and for other purposes.

Amended, read a third time and passed.

Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo.

Amended and ordered engrossed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }
February 26th, 1868. }

MR. PRESIDENT: The Assembly have passed Assembly Bill No. 228—An Act to provide for the protection of the harbor of the City and County of San Francisco.

Also, Assembly Bill No. 169 (substitute for Assembly Bill No. 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 441—An Act to grant the right to convey water in pipes, to supply the inhabitants of the Town of Oroville.

Also, Assembly Bill No. 289—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 446—An Act to amend an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county.

Also, Assembly Bill No. 246—An Act to amend an Act entitled an Act in relation to probate sales, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 245—An Act to amend an Act entitled an Act to provide for the appointment of and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty.

Also, Assembly Bill No. 220—An Act to legalize acknowledgments of deeds of husband and wife taken before and certified by County Clerks.

Also, Assembly Bill No. 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of ———, eighteen hundred and sixty-six.

Also, Assembly Bill No. 420—An Act to fix the compensation of the Board of Supervisors of Tulare County.

Also, Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino.

Also, with amendments, Senate Bill No. 331—An Act to confer on the City Council of the City of Oakland additional powers, and to provide for an election in said city.

Also, Assembly Bill No. 262—An Act to amend an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 446, above reported, was read first and second times and referred to the Santa Barbara delegation.

Assembly Bill No. 441, above reported, was read first and second times and referred to the Butte delegation.

Assembly Bill No. 246, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 245, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 220, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 289, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 228, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 262, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 196, above reported, was read first and second times and referred to the Committee on Agriculture.

The Senate concurred in the Assembly amendments to Senate Bill No. 331, above reported.

Assembly Bill No. 305, above reported, was read first and second times and referred to Mendocino delegation.

Assembly Bill No. 429, above reported, was read first and second times and referred to Tulare delegation.

Assembly Bill No. 180, above reported, was read first and second times and referred to the Humboldt delegation.

*
GENERAL FILE RESUMED.

Senate Bill No. 320—An Act for the encouragement of silk culture in this State.

Placed third on file for to-morrow.

Mr. Murch moved to adjourn.

Messrs. Chappell, Belden and Hardy demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conly, Conn, Ewer, Freeman, Hunter, Kincaid, Mandeville, Mizner, Pearce, Pratt, Tabbs, Tweed, Wolcott—13.

NOES—Messrs. Belden, Chappell, Curtis, Green, Hager, Hardy, Lawrence, Morrill, Murphy, Pendegast, Roberts, Robinson, Saunders, Wadsworth—14.

So the Senate refused to adjourn.

Senate Bill No. 28 was passed on file.

Senate Bill No. 44 was passed on file.

Senate Bill No. 129 was passed on file.

Senate Bill No. 292 was passed on file.

Senate Bill No. 224—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, amended March sixth, eighteen hundred and sixty-three.

Pending consideration of the bill, at four o'clock and thirty minutes, on motion of Mr. Lewis, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, February 27th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Lewis had leave to withdraw his motion to reconsider the vote whereby the Senate on yesterday passed Senate Bill No. 199, and had leave to have his vote recorded as voting against the passage of the bill.

Leave of absence was granted to Mr. Bradley for one day and Mr. Rose for two days.

Mr. Perley had leave to have his name recorded as present at roll call.

REPORTS.

Mr. Wadsworth, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 223—An Act to amend an Act entitled an Act to amend an Act to provide for the incorporation of railroad companies and the management of the affairs thereof and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 342—An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges.

Also, Senate Bill No. 60—An Act for the protection of game.

WADSWORTH, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 274—proposed amendment to the Constitution—having had the same under consideration, report it back and recommend its adoption.

Also, Senate Concurrent Resolution No. 20—Proposed amendments to the Constitution of the State of California—report it back with amendments and recommend its adoption as amended.

Also, Senate Concurrent Resolution No. 11—Proposed amendments to the Constitution of the State of California—report the same back with an amendment and recommend its adoption as amended.

Also, Senate Bill No. 257—Proposed amendment to the Constitution of the State of California—report the same back with amendments and recommend its adoption as amended.

Also, Senate Concurrent Resolution No. 13—Proposed amendments to the Constitution—report the same back with an amendment and recommend its adoption as amended.

Also, Senate Concurrent Resolution No. 21—Proposed amendment to the Constitution of the State of California—report the same back with an amendment and recommend its adoption as amended.

BELDEN, Chairman.

Mr. Tweed, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to

whom was referred Senate Bill No. 85—An Act to extend a franchise heretofore granted to John K. Hackett and Charles D. Judah to use and continue a wharf and to charge and collect wharfage—have had the same under consideration and report the bill back and recommend its passage.

TWEED, Chairman.

Mr. Murch, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 123—An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith;

Also, Senate Bill No. 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties;

Also, Senate Bill No. 203—An Act to amend an Act concerning ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five;

Also, Senate Bill No. 331—An Act to postpone the next charter election of the City of Oakland.

And this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Murch, from the Humboldt delegation, made the following report:

Mr. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of ———, eighteen hundred and sixty-six—have had the same under consideration, and report it back with amendments and recommend its passage as amended.

MURCH, for Delegation.

Mr. Conn made a verbal report on Assembly Bill No. 332—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisor in the County of San Diego—recommending its passage.

Mr. Freeman presented the following report:

Mr. PRESIDENT: The special committee to whom was referred Assembly Bill No. 420—An Act to fix the compensation of the Board of Supervisors of Tulare County—report the same back with an amendment and respectfully recommend its passage as amended.

FREEMAN, for Committee.

Mr. Pendegast verbally reported on Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino—recommending its passage.

Mr. Murphy made a verbal report on Assembly Bill No. 446—An Act

to amend an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, to prohibit the contracting of any new indebtedness against said county—without recommendation.

Mr. Lawrence presented the following report :

MR. PRESIDENT: Your Committee to whom was referred Assembly Bill No. 389—An Act to amend an Act entitled an Act concerning roads and highways in the counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six—report the same back with the following amendment :

Amend section one by striking out these words : “so far as it relates to the County of Tulare.”

LAWRENCE, for Committee.

Mr. Roberts made a verbal report recommending the passage of Senate Bill No. 200—An Act to amend an Act entitled an Act to create the office of State Printer and to define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-four, and all Acts amendatory thereof and supplementary thereto.

Mr. Roberts moved to suspend the rules and consider the bill now.

Lost.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }
Sacramento, February 26th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 113—An Act to appropriate money to pay a certain claim.

Also, Senate Bill No. 229—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles for establishing gas works in Los Angeles City.

Also, Senate Bill No. 165—An Act to amend section five of an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty.

Also, Senate Bill No. 5—An Act to confirm and legalize the assessment roll of Butte County for the year eighteen hundred and sixty-seven.

Also, Senate Bill No. 179—An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta.

H. H. HAIGHT, Governor.

INTRODUCTION OF BILLS.

By leave, bills were introduced without previous notice, as follows :

By Mr. Tweed—an Act to encourage the development of the iron mines of California.

Read first and second times and referred to the Committee on Public Expenditures.

By Mr. Beach—An Act to amend an Act entitled an Act to pro-

vide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Joint Committee on Revenue.

By Mr. Conly—An Act to appropriate money to pay the expense of resisting the authorities of the State of Nevada by the officers of Plumas County, in the year eighteen hundred and sixty-three.

Read first and second times and referred to Committee on Claims.

By Mr. Kincaid—An Act to provide for the payment of Mrs. E. Wright salary due her as teacher in Jefferson School District, No. 1, in San Mateo County.

Read first and second times and placed on file.

By Mr. Murch—An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County, approved January eleventh, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Pratt—An Act to legalize certain evidences of indebtedness.

Read first and second times and placed on file.

By Mr. Tubbs—An Act to authorize the Board of Supervisors of the City and County of San Francisco to alter the grade of Beale street between Folsom and Bryant streets, and to provide for the payment of damage resulting therefrom.

Read first and second times and referred to the San Francisco delegation.

By Mr. Mizner—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Read first and second times and referred to Committee on Elections.

Also, an Act for the relief of Mary Likins and others.

Read first and second times and, with accompanying petitions, referred to Judiciary Committee.

By Mr. Pratt—An Act to amend section number fifty-four of an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times and referred to Committee on Corporations.

By Mr. Saunders—An Act to authorize the Board of State Harbor Commissioners to lease the privilege of collecting dockage, wharfage and tolls on a portion of the water front of the City and County of San Francisco.

Read first and second times and referred to Committee on Commerce and Navigation.

PETITION.

Mr. Shaw presented a petition from citizens of Santa Cruz County praying for the passage of an Act granting to W. W. Waddell a right to maintain a wharf and railroad at New Year's Point, in said county.

Referred to Committee on Commerce and Navigation.

RESOLUTIONS.

Mr. Heacock offered the following resolutions :

Resolved by the Senate of the State of California, That Congress is the supreme law making power of the United States of America, and that laws passed by such Congress are binding upon every citizen and officer thereof, from the highest to the lowest, until repealed or set aside by competent lawful authority.

Resolved, That the course of the acting President of the United States, Andrew Johnson, in removing Edwin M. Stanton from the place of Secretary of War of the United States, as well as the course of that functionary, Andrew Johnson, in appointing General Lorenzo Thomas to the place or position named, are in direct, flagrant and undenied violation of the letter and spirit of the law of Congress then and now in force, known as the Tenure of Office Act.

Resolved, That the State of California disavows and denounces the said action of said acting President, Andrew Johnson, in the matter named therein, as a gross and palpable violation of the laws of the nation and an insult to its citizens, whose rights and privileges are destroyed thereby.

Resolved, That his Excellency the Governor be directed to telegraph a copy of the above resolutions to Honorable Benjamin F. Wade, President of the Senate, and the Honorable Schuyler Colfax, Speaker of the House of Representatives of the Congress of the United States.

The hour having arrived for the consideration of the general file (the special order) Mr Lewis moved to postpone the same until the resolutions under discussion shall have been disposed of.

Messrs. Lawrence, Pearce and Hager demanded the ayes and noes on the proposition.

The vote was as follows :

AYES—Messrs. Beach, Belden, Chappell, Conly, Ewer, Green, Hardy, Heacock, Johnson, Mizner, Murch, Pearce, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—21.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Kincaid, Lawrence, Maclay, Mandeville, Morrill, Murphy, Saunders, Shaw—13.

So the Senate refused to postpone.

GENERAL FILE.

Senate substitute for Assembly Bill No. 239 (substitute for Assembly Bill No. 108)—An Act for the relief of T. A. Brady.

The bill was amended.

On the passage of the bill, the ayes and noes were demanded by Messrs. Roberts, Belden and Hunter.

The vote was as follows :

AYES—Messrs. Beach, Belden, Chappell, Conly, Conn, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth—34.

No—Mr. Kincaid—1.

So the bill was passed.

Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco.

Amendments of committee concurred in.

On the amendment proposed by Mr. Hager to section four—that the Sheriff of the City and County of San Francisco shall be allowed the sum of twelve hundred dollars per annum to defray his expenses for counsel and attorneys' fees—Messrs. Hager, Beach and Mizner demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conly, Conn, Curtis, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Saunders, Shaw—16.

NOES—Messrs. Beach, Belden, Chappell, Green, Hardy, Heacock, Lawrence, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth—16.

There being a tie, the President, in the exercise of his constitutional privilege, voted aye, and the amendment was adopted.

Mr. Lawrence had leave to have his name recorded as voting in the affirmative.

Mr. Tubbs offered a substitute.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Beach, Mizner and Tubbs.

The vote was as follows :

AYES—Messrs. Beach, Belden, Chappell, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Teegarden, Tweed, Wadsworth—14.

NOES—Messrs. Conly, Conn, Hager, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Saunders, Shaw, Tubbs—16.

So the substitute was rejected.

The bill was then ordered engrossed and read a third time.

Mr. Tubbs gave notice of a reconsideration.

At one o'clock and thirty minutes, Mr. Mandeville moved to adjourn.

Messrs. Murch, Mizner and Belden demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conn, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendergast, Saunders—15.

NOES—Messrs. Belden, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth—15.

There being a tie, the President voted in the affirmative, and the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Friday, February 28th, 1868. }

The Senate met pursuant to adjournment.
President in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.

PETITION.

Mr. Hager presented a petition from citizens of the State preferring charges against the Central Pacific Railroad Company.
Read and referred to a select committee of five

REPORTS.

Mr. Shaw made a verbal report recommending the passage of Senate Bill No. 115—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Mr. Shaw moved to suspend the rules and consider the bill now.

Carried.

The rules were suspended, bill considered engrossed, read third time and passed.

The rules were further suspended, and the bill ordered immediately transmitted to the Assembly.

Mr. Maclay, Chairman of the Committee on State and County Revenue, made the following report:

MR. PRESIDENT: The Committee on State and County Revenue have had under consideration, Senate Bill No. 337—An Act entitled an Act amendatory of and supplemental to an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty nine—report the same back and recommend its passage.

MACLAY, Chairman.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred the several petitions of I. W. Raymond, Agent of the North American Steamship Company, have considered the same, and agreed upon a bill in accordance with the prayer of the said petitions, which bill is herewith reported to the Senate, and its passage recommended.

Your committee have also had under consideration Senate Bill No. 245—An Act to authorize the extension and maintenance of a wharf at

Muddy Creek, in the County of Santa Cruz—made three amendments thereto, report it back, and recommend its passage as amended.

Also, Senate Bill No. 322—An Act to authorize John S. Kimball and his assigns to construct two or more chutes at or near the mouth of Salmon Creek, Mendocino County, and to collect tolls for the use of the same—made an amendment thereto, report it back and recommend its passage.

MIZNER, Chairman.

Mr. March, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 177—An Act amendatory of an Act entitled an Act to authorize John Lawley and associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six;

Also, Senate Bill No. 189—An Act to amend an Act entitled an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six;

Also, Senate Bill No. 194—An Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad, railroad wharf and toll bridge in Mendocino County;

Also, Senate Bill No. 271—An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six;

And this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Green, Chairman of the Committee on State Prison, made the following report:

MR. PRESIDENT: The Committee on State Prison, to whom was referred Senate Bill No. 180—An Act for the better government of the State Prison and to relieve the Lieutenant Governor from the duty of prison keeper—had the same under consideration and report the bill back and recommend that it do not pass.

GREEN, Chairman.

Mr. Tubbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 83—An Act concerning taxes in the County of San Luis Obispo—having had the same under consideration, report it back without recommendation.

Also, Senate Bill No. 178—An Act to carry out the provisions of an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six—report a substitute therefor and recommend passage of the substitute.

Also, Senate Bill No. 243—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties and to

impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight—report it back and recommend its passage.

Also, Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners—report the same back with an amendment and recommend its passage as amended.

Also, Senate Bill No. 332—An Act to repeal an Act entitled an Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four—report the same back and recommend its passage.

TUBBS, Chairman.

Mr. Heacock, Chairman of the Committee on Mileage, reported as follows:

Mr. PRESIDENT: Your Committee on Mileage would respectfully submit the following report:

That Messrs. Teegarden, Maclay, Perley, Johnson and McDougall, composing the State Hospital Committee, are each entitled to mileage in visiting the Reform School in the City and County of San Francisco, the State Insane Asylum, in the City of Stockton, and the State Reform School, in Yuba County, as follows:

Names.	Amounts.
Teegarden, 456 miles.....	\$91 20
Maclay, 456 miles.....	91 20
Perley, 456 miles.....	91 20
Johnson, 456 miles.....	91 20
McDougall, 456 miles.....	91 20

Your committee therefore recommend the adoption of the following resolution:

Resolved, That Senators Teegarden, Maclay, Perley, Johnson and McDougall be each allowed the sum of ninety-one dollars and twenty cents for mileage in visiting the Reform School in the City and County of San Francisco, the State Insane Asylum, at Stockton, and the State Reform School, in Yuba County, in discharge of their duties as Committee on State Hospitals, payable out of the Contingent Fund of the Senate, and that the State Controller draw his warrants upon the State Treasurer therefor.

HEACOCK, Chairman.

The rules were suspended and the resolution was adopted.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Judiciary Committee, to whom was referred

Assembly Bill No. 157—An Act concerning county records of Los Angeles County—having had the same under consideration, report it back and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 220—An Act to legalize acknowledgments of deeds of husband and wife taken before and certified by County Clerks—report the same back and recommend its passage.

Also, Senate Bill No. 232—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—report the same back and recommend its passage.

Also, Senate Bill No. 250—An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto—report the same back, with amendments, and recommend its passage as amended.

The committee have also had before them Senate Bill No. 122—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 191—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 104—An Act to amend an Act entitled an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject.

Also, Senate Bill No. 105—An Act to amend an Act entitled an Act to amend an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

These last mentioned bills all refer to matters of election and the registration of citizens, and we therefore recommend that they be referred to the Committee on Elections.

BELDEN, Chairman.

Mr. Robinson verbally reported on Senate Bill No. 369—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, A. D. eighteen hundred and sixty-six—recommending that it be referred to the Judiciary Committee.

Mr. Mandeville moved to refer all bills relating to the Registry Act to the Committee on Elections.

Mr. Pendegast moved to amend by striking out "Committee on Elections" and insert in lieu thereof, "a select committee of five."

Lost.

The question recurring on the motion of Mr. Mandeville, it was lost.

Mr. Hager moved to refer to the Committee on Federal Relations.

Pending further consideration thereon, the hour arrived for the consideration of the general file (the special order).

The special order was postponed, on motion of Mr. Belden, until the consideration of the resolution under consideration and the reports of committees should have been gone through with.

RESOLUTIONS.

The rules were suspended for the introduction of the following resolution :

Resolved by the Senate, the Assembly concurring, That the sum of thirty dollars is hereby appropriated out of the Contingent Funds of the Senate and Assembly, fifteen dollars from each fund, for the purpose of purchasing two pictures, one for each house, entitled "First in Peace."

Adopted.

Mr. Pratt offered the following resolution :

Resolved, That the Committee on Corporations be authorized and empowered to send for persons and papers to aid in the consideration of Senate Bill No. 298—An Act to declare and regulate fare and freights on the Central Pacific Railroad of California.

Adopted.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the corporate authorities of the City of Los Angeles in relation thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company.

Also, Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, eighteen hundred and fifty, and the several Acts amendatory thereto.

Also, Senate Bill No. 214—An Act concerning roads and highways in the County of San Mateo.

WADSWORTH, Chairman.

Mr. Hager, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The San Francisco delegation have had under consideration the following bills, and report the same back with amendments, and respectfully recommend their passage as amended :

Senate Bill No. 206.

Senate Bill No. 226 (substitute for Assembly Bill No. 262), not amended.

Senate Bill No. 276.

Assembly Bill No. 345.

Assembly Bill No. 299—not amended.

HAGER, for Delegation.

Mr. Mizner (by request), for the Los Angeles delegation, made the following report :

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns—have directed me to report the same back and recommend its passage.

MIZNER, for Delegation.

Mr. Mizner, from the Solano delegation, made the following report :

MR. PRESIDENT: The Solano delegation, to whom was referred Senate Bill No. 355—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund part of the debt of said county—have had the same under consideration, report it back and recommend its passage.

MIZNER, for Delegation.

Mr. Pearce for the Solano, Napa and Sonoma delegations, made the following report:

MR. PRESIDENT: The delegations from Solano, Napa and Sonoma, to whom was referred Senate Bill No. 259—An Act to authorize the County of Sonoma to donate lands to a railroad company, and to provide for the payment of the same—respectfully report the same back, with amendments, and recommend the passage of the same as amended.

PEARCE, for Delegations.

On motion of Mr. Pearce, the bill above reported was taken up and amended.

The rules were suspended, bill considered engrossed, read a third time and passed.

INTRODUCTION OF BILLS.

The rules were suspended for the introduction of the following bills:

By Mr. Shaw—An Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Corporations.

Also, an Act to amend an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Corporations.

By Mr. Pratt—An Act to dispose of certain submerged and tide lands belonging to the State of California, and for the reclamation and improvement of the same.

Read first and second times and referred to the Committee on Commerce and Navigation.

REPORTS.

Mr. Heacock, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT: The Committee on Mileage respectfully submit the following report:

That the following named Senators, constituting the Senate Committee on Mines, are each entitled to mileage in visiting the office of the State Geologist at San Francisco, in discharge of their duties as members of such committee, as follows:

Senators.	Miles.	Pay.
Hardy.....	234	\$46 80
Conly.....	234	46 80
Murch.....	234	46 80
Roberts.....	234	46 80
Johnson.....	234	46 80
Rose.....	234	46 80
Mandeville.....	234	46 80

And we recommend the adoption of the accompanying resolution:

Resolved, That Messrs. Hardy, Conly, Murch, Roberts, Johnson, Rose and Mandeville be each allowed the sum of forty-six dollars and eighty cents, payable out of the Contingent Fund of the Senate, and that the State Controller draw his warrants upon the State Treasurer therefor, and that the State Treasurer pay the same.

HEACOCK, Chairman.

Mr. Heacock offered the following amendment: Amend by striking out from the resolution the word "Hardy."

Lost.

The report and resolution were ordered to the general file.

On motion of Mr. Curtis, Senate Bill No. 250—An Act regulating the assessment of railroads and other roads for revenue purposes, and other matters relating thereto—was ordered printed.

GENERAL FILE.

Senate Bill No. 320—An Act for the encouragement of silk culture in this State.

Ordered engrossed.

Senate Bill No. 224—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, amended March sixth, eighteen hundred and sixty-three.

Ordered engrossed.

Senate Bill No. 285—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Amendment adopted and ordered engrossed.

Senate Bill No. 237—An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property.

Read third time and passed.

Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids and substances.

Read third time and passed.

Senate Bill No. 233—An Act in relation to witnesses.

Read third time and passed.

Senate Bill No. 211—An Act to create the County of Alta and to define its boundaries, and to provide for its organization.

Laid on the table.

Senate Bill No. 319 was passed on file.

Senate Bill No. 343—An Act to amend an Act entitled an Act to authorize the formation of corporations for the construction of plank and turnpike roads.

Mr. Kincaid moved to order the bill printed.

The ayes and noes were demanded by Messrs. Perley, Shaw and Murphy.

The vote was as follows:

AYES—Messrs. Beach, Chappell, Conn, Ewer, Freeman, Green, Hunter, Johnson, Kincaid, Lewis, Morrill, Murphy, Pearce, Pendegast, Robinson, Shaw, Teegarden—17.

NOES—Messrs. Belden, Bradley, Hager, Hardy, Heacock, Lawrence, Mandeville, McDougall, Mizner, Murch, Perley, Pratt, Roberts, Saunders, Wadsworth, Wolcott—16.

So the motion was carried.

The bill was ordered on top of file for Tuesday next.

Senate Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco.

Substitute adopted, and bill ordered engrossed.

Assembly Bill No. 190—An Act granting to William K. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County.

Mr. Chappell moved to recommit the bill to the Committee on Commerce and Navigation.

Mr. Hager moved to amend by inserting the following instructions: To separate the water franchise from the road franchise.

Mr. Mandeville called for a division of the question.

On the question to recommit the bill, the ayes and noes were demanded by Messrs. Hardy, Pearce and Hager.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hager, Hunter, Johnson, Murch, Pearce, Pratt, Roberts, Robinson, Saunders, Teegarden, Wadsworth, Wolcott—18.

NOES—Messrs. Conn, Freeman, Hardy, Heacock, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Shaw, Tubbs—15.

So the bill was recommitted.

On instructing the committee to report two bills, according to instructions offered by Mr. Hager, Messrs. Pearce, Roberts and Chappell demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Chappell, Ewer, Hager, Hunter, Johnson, Morrill, Pendegast, Roberts, Robinson, Saunders, Wolcott—13.

NOES—Messrs. Conn, Freeman, Green, Hardy, Heacock, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Perley, Pratt, Shaw, Teegarden, Tubbs—18.

So the motion to instruct was lost.

Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title.

Read third time and passed.

Senate Bill No. 234—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

Read third time and passed.

Substitute for Senate Bill No. 121—An Act to provide for the sale of escheated estates.

Read third time and passed.

Assembly Bill No. 368—An Act concerning water ditches and water privileges for agricultural and manufacturing purposes in the County of Tulare.

Read third time and passed.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
February 28th, 1868. }

Mr. PRESIDENT: The Assembly this day passed Assembly Bill No. 458, An Act to reduce the indebtedness of the County of Mariposa.

J. R. BEARD,
Assistant Clerk.

THE UNIVERSITY OF CHICAGO

Mr. PARSONS: The Assembly on this day passed Assembly Bill No. 458—An Act to amend Section 1464 of the Civil Code as to the payment of roads and highways to private owners in this State, approved May fourteenth, eighteen hundred and sixteen.

J. A. HANAN

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Mr. PARSONS: The Assembly have passed Senate Bill No. 114—As a condition for the Board of Supervisors of the State of Oregon to levy an additional tax for county purposes.

As a result of this investigation, the following conclusions were reached:

Also Senate Bill No. 187—in this an additional bill to amend the Board of Supervisors of the City and County of San Francisco in making the present official grade of those streets between Divisadero and King streets, as well as to add another.

of the Senate for the first time—has not changed the policy of the housing of Negroes and the Negroes in the city with regard to the housing of Negroes.

Also, Assembly Bill No. 100—by which the Library of Science is given the benefit of the California Public Normal Company, a corporation organized and existing to sell books for general educational use of the State, and to receive for the services of said books.

Also included in Stage Converter Circuits No. 24 is chapter 13 entitled Antenna Circuits.

Act No. 254—An Act to amend an Act entitled

Also, Senate Joint Resolution No. 57 and Memorial of the Legislatures of Louisiana, instructing our Senators and requesting our Representatives in Congress to ask and for the New Southern Pacific Railroad.

5. 12. 1944

THE UNIVERSITY OF CHICAGO PRESS

Assembly Bill No. 551. Printed paper and card stock and other printing materials, including the printing of books, pamphlets, and other printed matter, and the printing of maps, charts, and other printed matter.

Monday, Dec. 12, 1905. 25-30 degrees. Very wet and cold several times.

Mr. LARSEN then moved to suspend the rules and consider the bill now lying on the table.

It is a pleasure to refer to the following Committee, Messrs. Macfarlane
Hogg and Fraser, who led the group and gave

—

*ADD.—Mosses from British Empire Clappert's Valley River Hilly
Herring Water North Pennine Forest Indiana New York Tennessee
Tahiti Wisconsin Wisconsin.*

New—Mason, Geo. Thomas; Hays, Henry; Johnson, Lyman;

Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Saunders, Shaw—15.

So the motion was carried.

Assembly Bill No. 250, above reported, was read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 252, above reported, was read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

The Senate concurred in the first, second and third, and refused to concur in the fourth Assembly amendment to Assembly Bill No. 112, above reported.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Lewis—An Act to provide for the levying and collection of a special tax to be raised in the construction of bridges in the County of Tehama.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Roberts—An Act to circulate information relative to the resources of the State of California.

Read first and second times and referred to the Committee on Finance.

Also, an Act to regulate metallurgic works and manufactories of acids.

Read first and second times and referred to the Committee on Mines and Mining Interests.

Also, an Act to amend an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Maclay—An Act to provide for a horse railroad within the County of Santa Clara.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hager—An Act to authorize the sale and conveyance to Henry J. Booth, A. C. Head, Chauncey B. Land, Charles Land, Thomas Jones, A. L. Greeley, Abner Doble, William Blanding, T. B. Howard and G. W. Prescott, their associates and assigns, of certain overflowed lands in the City and County of San Francisco.

Read first and second times, and, with accompanying map, referred to the Committee on Commerce and Navigation.

By Mr. Saunders—An Act to provide for the building or purchase by the City and County of San Francisco of gas works to supply said city and county with gas.

Read first and second times and referred to the San Francisco delegation.

MOTIONS AND RESOLUTIONS.

Mr. Heacock offered the following resolutions:

Resolved, by the Senate of the State of California, That Congress is the supreme political and law-making power of the United States of America, and that laws passed by such Congress are binding upon every officer and citizen thereof, from the highest to the lowest, until repealed or set aside by competent legal authority.

Resolved, That the course of the President of the United States, Andrew Johnson, in removing Edwin M. Stanton from the position of Secretary of War of the United States, and in appointing General Lorenzo Thomas to such position, is in direct and flagrant violation of the letter and spirit of the law of Congress then and now in force, known as the Tenure of Office Act.

Resolved, That we deem such removal and appointment as sufficient cause of impeachment of the President, such removal and appointment being declared by said Act to be a "high misdemeanor."

Resolved, That his Excellency the Governor be directed to send by telegraph a copy of the above resolutions to the Honorable Benjamin F. Wade, President of the Senate, and Honorable Schuyler Colfax, Speaker of the House of Representatives of the Congress of the United States.

Mr. Morrill offered the following amendment :

"Provided, as a total disavowal of the principles embodied in the foregoing resolutions was expressed by the people of the State of California at the last general election, their adoption by this Senate cannot in any manner be construed as reflecting the sentiments of the people of this State."

Mr. Mandeville raised the point of order, that the resolutions were not in order, as there were other resolutions of the same character now before the Senate.

The President decided the point of order well taken.

Mr. Murch moved the previous question.

Mr. Mandeville moved to adjourn.

Messrs. Murch, Chappell and Mizner demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Shaw—13.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—16.

So the Senate refused.

Mr. Mandeville moved a call of the Senate.

Mr. Mizner raised the point of order, that a motion was then pending before the Senate for the previous question.

The President decided the point of order not well taken, as the motion for the previous question was not seconded.

On the motion for a call of the Senate, Messrs. Murphy, Mandeville and Johnson demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Shaw—13.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—16.

So the Senate refused to order a call.

Mr. Lawrence raised a point of order, insisting on every member voting, whether paired or not.

The President ruled the point of order not well taken.

Mr. Murch moved the previous question.

Seconded.

On ordering the main question put, Messrs. Mandeville, Conn and Shaw demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—16.

NOES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Lawrence, Mandeville, McDougall, Morrill, Murphy, Pearce, Shaw—12.

So the main question was ordered.

Mr. Pearce moved to adjourn.

Messrs. Mizner, Beach and Johnson demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Lawrence, MacLay, Mandeville, McDougall, Morrill, Murphy, Pearce, Shaw—13.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—16.

So the motion was lost.

On the adoption of the amendment offered by Mr. Morrill, the ayes and noes were demanded by Messrs. Johnson, Mizner and Pearce.

The vote was as follows :

AYES—Messrs. Conn, Freeman, Hager, Hunter, Johnson, Lawrence, MacLay, Mandeville, McDougall, Morrill, Murphy, Pearce, Shaw—13.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—16.

So the amendment was rejected.

Mr. Murphy moved to adjourn.

The ayes and noes were demanded by Messrs. Roberts, Murch and Mizner

The vote was as follows :

AYES—Messrs. Conly, Freeman, Hager, Hunter, Johnson, Lawrence, MacLay, Mandeville, McDougall, Morrill, Murphy, Pearce, Shaw—13.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—16.

So the motion was lost.

Messrs. Johnson, Murch and Mizner demanded the ayes and noes on the passage of the resolutions.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, John-

son, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—17.

NOES—Messrs. Conn, Freeman, Hager, Hunter, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Shaw—12.

So the resolutions were adopted.

Mr. Johnson gave notice of a motion for a reconsideration of the vote just taken.

The rules were suspended and Mr. Maclay verbally reported, recommending the passage of Assembly Bill No. 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara.

The rules were again suspended for the introduction of the following resolution by Mr. Pendegast:

Resolved, That the Committee on State Prison of the Senate be requested to accompany the corresponding committee of the Assembly and the Board of State Prison Directors on a visit to the lands offered to the State by the Natoma Water Company for a site for a proposed branch prison, and to report to the Senate such information as they may obtain as to the suitability of said site for the purpose proposed.

Adopted.

Mr. Pendegast also had leave to introduce the following resolutions:

Resolved by the Senate, the Assembly concurring, That the Reverend Horatio Stebbins be and he is hereby respectfully invited to address the two branches of the Legislature upon the subject of a State University, and that the use of the Assembly Chamber be and is hereby tendered him for that purpose, upon any evening he may designate.

Resolved, That the Secretary of the Senate be and he is hereby instructed to inform the Reverend Mr. Stebbins of the passage of the foregoing resolution.

Adopted.

The rules were suspended for Mr. Murphy to introduce a bill for an Act ratifying grants and sales of land by the Board of Trustees of the Town of Santa Barbara.

Read first and second times and referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill No. 361—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six.

Read third time and passed.

Assembly Bill No. 355—An Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty.

Read a third time and passed.

Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

Amendment adopted, and bill read a third time and passed.

Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad in certain streets therein named, in the City and County of San Francisco.

Ordered engrossed.

Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Ordered engrossed.

Senate Bill No. 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

The rules were suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 306—An Act to provide for the pardon of certain convicts in the State Prison.

Substitute adopted; rules suspended, bill considered engrossed, read a third time and passed.

Senate Concurrent Resolution No. 56, memorial to Congress on the claims of J. M. Hutchings and J. C. Lamon.

Read third time and passed.

Senate Bill No. 23—An Act granting certain rights and privileges to the California Dry Dock Company.

The following amendment was offered by Mr. Saunders: Insert the following at the end of section first:

“And provided further, the said company, its successors and assigns, shall not at any time hereafter demand or receive toll, dockage or wharfage for shipping that may hereafter land or lie at any wharf, bulkhead or other structure said company, its successors or assigns, may erect or make upon said land, except for such shipping as may land or lie, as aforesaid, for purpose or purposes connected with the actual business of the said Dry Dock Company.”

Mr. Pratt offered the following substitute:

“Provided said Dry Dock Company shall never charge less wharfage or tolls than may be established by the Board of Harbor Commissioners for wharves under their control.”

On the adoption of the substitute, Messrs. Pratt, Roberts and Pearce demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Green, Hardy, Johnson, Maclay, Mandeville, Mizner, Morrill, Murphy, Perley, Pratt—10.

NOES—Messrs. Beach, Belden, Bradley, Ewer, Hager, Heacock, Hunter, Lawrence, Murch, Pearce, Pendegast, Roberts, Robinson, Saunders, Shaw, Teegarden, Tubbs, Wadsworth—18.

So the substitute was rejected.

The amendment offered by Mr. Saunders was adopted and the bill was ordered engrossed.

On motion of Mr. Pendegast, at four o'clock and forty minutes, the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Saturday, February 29th, 1868. }

Senate met pursuant to adjournment, as indicated by the clock in the Senate Chamber.

President in the chair.

Roll called.

A quorum answered present.

Prayer by the Chaplain.

The Journal not having been brought to the Senate Chamber, as it afterwards appeared, in consequence of a discrepancy between time-pieces, the reading of the same for yesterday (Friday) was dispensed with until Monday next.

Mr. Roberts arose to a question of privilege, and stated that he was present five minutes before eleven o'clock A. M., and wished to have his name recorded as being present at that time.

Mr. Johnson, in accordance with his motion of yesterday, moved that the Senate reconsider the vote whereby the resolutions indorsing certain actions of Congress, offered by Mr. Heacock on yesterday, were adopted; and while he was speaking to the question several Senators came in and requested to have their names recorded as present at roll call.

The Journal having been brought in, Mr. Mizner moved that the reading thereof do now proceed.

Mr. Lewis raised the point of order, that the reading having been dispensed with, and Mr. Johnson having the floor, no motion to that end could be entertained.

The President decided the point of order well taken, and Mr. Johnson proceeded with his argument.

Mr. Pratt was granted leave of absence until Tuesday next.

SPECIAL ORDER.

The hour having arrived for the consideration of the general file (the special order), Mr. Mizner moved to postpone the same until the motion under consideration shall have been disposed of.

Messrs. Beach, Mandeville and Conly demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Saunders, Teegarden, Tubbs, Wadsworth, Wolcott—20.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Rose, Shaw—16.

A two thirds vote being required, the motion was lost.

GENERAL FILE.

Senate Bill No. 326—An Act to amend an Act entitled an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Indefinitely postponed.

Senate Bill No. 337—An Act to appropriate money for the formation of a library for the instruction and use of the convicts in the State Prison.

Ordered engrossed.

Senate Bill No. 129—An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara.

Ordered engrossed.

Assembly Bill No. 297—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four.

Read third time and passed.

Senate Bill No. 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four.

Read third time and passed.

Assembly Bill No. 380—An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes.

Read third time and passed.

Senate Bill No. 60—An Act for the protection of game.

Read third time and passed.

Senate Bill No. 223—An Act to amend an Act entitled an Act to amend an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Read third time and passed.

Senate Bill No. 358—An Act to provide for the re-funding of the funded debt of Siskiyou County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 362—An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed.

RESOLUTION.

The rules were suspended for the introduction of the following resolution by Mr. Lawrence:

Resolved by the Senate, That the Judiciary Committee be instructed

to report on all local bills referred to them within five days after such reference.

Mr. Pratt gave notice of a motion to reconsider.

GENERAL FILE RESUMED.

Senate Bill No. 309 was referred to the Chairman of the Judiciary Committee, with instructions to report immediately.

Substitute for Senate Bill No. 316—An Act to repeal an Act to authorize the County Treasurer of the Counties of Napa, Lake and Mendocino to collect and receive certain public moneys as revenue.

Laid on the table.

Senate Bill No. 28 was passed on file.

Senate Bill No. 308—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same.

On a motion to indefinitely postpone, as recommended by the committee, the ayes and noes were demanded by Messrs. Rose, Roberts and Lawrence.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Ewer, Hager, Murch, Pearce, Roberts, Robinson, Wadsworth, Wolcott—10.

NOES—Messrs. Freeman, Green, Hardy, Hunter, Johnson, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Rose—15.

So the motion was lost.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Roberts, Hager and Maclay.

The vote was as follows :

AYES—Messrs. Freeman, Green, Hardy, Hunter, Johnson, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Rose—15.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Hager, Murch, Pearce, Roberts, Robinson, Teegarden, Wadsworth, Wolcott—13.

So the bill was ordered engrossed.

Leave of absence was granted to Mr. Saunders until Thursday next.

REPORTS.

Mr. Wadsworth, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed, Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo.

Also, Senate Bill No. 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

Also, substitute for Senate Bill No. 306—An Act to authorize the

Board of State Prison Directors to recommend the pardoning of convicts in the State Prison.

Also, substitute for Assembly Bill No. 239—An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots.

Also, Senate Bill No. 378—An Act to provide for the levying and collection of a special tax to be used in the construction of bridges in the County of Tehama.

WADSWORTH, Chairman.

Mr. Murch, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and found correctly enrolled, Senate Joint Resolution No. 57 and Memorial of the Legislature of the State of California, instructing our Senators and requesting our Representatives in Congress to ask aid for the Southern Pacific Railroad;

And this day, at twelve o'clock and forty-five minutes P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Teegarden was granted leave of absence until Tuesday next.

Senate Bill No. 141 was placed at foot of the file

Assembly Bill No. 292—An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza in said city.

Read third time and passed.

The rules were suspended, and Mr. Belden verbally reported, without recommendation, Senate Bill No. 309—An Act to incorporate the Town of Santa Clara.

On motion of Mr. Maclay, the bill above reported was taken up, under a suspension of the rules, amended, and ordered engrossed.

Proposed amendments to the Constitution, Nos. 17 to 23, on Senate file, were placed on top of file for Monday next.

Mr. Shaw moved to print the usual number of copies.

Lost.

At two o'clock P. M., Mr. Rose moved to adjourn, whereupon the ayes and noes were demanded by Messrs. Heacock, Wadsworth and Wolcott.

The vote was as follows:

AYES—Messrs. Conn, Curtis, Hunter, Johnson, Maclay, Mandeville, McDougall, Morrill, Rose—9.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

So the motion was lost.

At two o'clock P. M., two hours having been devoted, under the rules of the Senate, to the consideration of the general file, the President announced that the time had arrived to proceed with the regular order of business.

Mr. Chappell raised the point of order, that the Senate should proceed

to dispose of the motion made by Mr. Johnson to reconsider the vote whereby the Senate on yesterday adopted certain resolutions commendatory of the action of Congress and condemnatory of the conduct of the President, interrupted by the arrival of the hour for consideration of the general file.

The President decided the point of order not well taken.

From that decision Mr. Belden appealed to the decision of the Senate.

Mr. Murch demanded the previous question, which was sustained.

On the question, Shall the main question be now put? the ayes and noes were demanded by Messrs. Mandeville, Johnson and Perley.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

NOES—Messrs. Hunter, Johnson—2.

No quorum voting.

Mr. Johnson moved to adjourn.

The ayes and noes were demanded by Messrs. Mizner, Wolcott and Roberts.

The vote was as follows:

AYES—Messrs. Hager, Hunter, Johnson—3.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

No quorum voting.

Mr. Mizner moved a call of the Senate.

The ayes and noes were demanded by Messrs. Mizner, Roberts and Heacock.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hager, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—16.

NOES—Messrs. Hunter, Johnson—2.

So the motion was carried.

On calling the roll of the Senate, none were found absent without leave.

Mr. Mizner moved the previous question, which was sustained.

On ordering the main question, the ayes and noes were demanded by Messrs. Mandeville, Freeman and Hunter.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

No—Mr. Curtis—1.

No quorum voting.

Mr. Roberts moved a call of the Senate.

The ayes and noes were demanded by Messrs Mandeville, Hager and Pendegast.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

NOES—Messrs. Curtis, Murphy—2.

No quorum voting.

As Mr. Mandeville's name was called by the Secretary, he declined to vote, stating as a reason that he was paired.

On being asked by Mr. Mizner as to with whom he was paired, he declined to answer and proceeded on his way from the Senate Chamber.

Objections being made to the Senator's leaving, the Senator gave the following reason for not voting: That for the twentieth time he had said he was paired; and that it was nobody's business but his own, and that they might publish this in the Union or telegraph it to Ben Wade.

These words being considered objectionable, they were taken down by the Secretary at the desk, on motion of Mr. Mizner.

On calling Mr. Freeman's name by the Secretary, he declined to vote, stating as a reason that he was paired.

On being asked by Mr. Mizner as to whom he was paired with, he declined to answer, but rose and said: That if Senators were particularly anxious to learn, he would say that a political majority in the Senate had violated a plain parliamentary rule, simply because they were in the majority.

The words being considered objectionable, they were, on motion of Mr. Mizner, taken down by the Secretary at the desk.

On the question, Shall the decision of the President stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Mandeville, Murphy and Pendegast.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Hardy, Johnson, Morrill, Murphy—6.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—14.

No quorum voting.

Mr. Curtis moved to adjourn.

The ayes and noes were demanded by Messrs. Wadsworth, Murch and Roberts.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Hager, Johnson, Lawrence, Maclay, Mandeville, Murphy—9.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

So the motion was lost.

On the question, Shall the decision of the Chair stand as the judgment of the Senate? Messrs. Pendegast, Hager and Mandeville demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Hardy, Johnson, Murphy—4.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—14.

No quorum voting.

Mr. Hager moved to lay the resolution on the table.

The President ruled the motion out of order.

Mr. Hager appealed to the Senate.

The President ruled the appeal out of order.

Mr. Roberts moved to clear the floor of all visitors and order the Sergeant-at-Arms to lock the doors and allow no one to go out.

The President ruled the motion out of order.

On the question, Shall the decision of the Chair stand as the judgment of the Senate? Messrs. Hager, Belden and Murch demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Hardy, Johnson, Wadsworth, Wolcott—5.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson—12.

No quorum voting.

Mr. Curtis moved to adjourn.

Messrs. Heacock, Hardy and Murch demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Hager, Johnson, Lawrence, Maclay, Murphy—7.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

So the motion was lost.

Mr. Murphy moved to take a recess for half an hour.

The President ruled the motion out of order.

On the question, Shall the decision of the Chair stand as the judgment of the Senate? Messrs. Lewis, Pendegast and Hardy demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Hardy, Johnson—3.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Roberts, Robinson, Wadsworth, Wolcott—13.

No quorum present.

The President ordered the roll to be called again, with the following result :

AYES—Messrs. Curtis, Hardy, Johnson—3.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—14.

Messrs. Freeman, Hager, Maclay and Rose declined to vote.

At the request of Mr. Roberts, the names of those Senators who declined to vote were taken down.

Mr. Pendegast moved to adjourn.

Messrs. Murch, Mizner and Hardy demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Hager, Johnson, Lawrence, Morrill, Rose—6.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

So the motion was lost.

On the appeal from the decision of the Chair, Messrs. Beach, Bradley and Murch demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Hardy, Johnson—3.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—14.

No quorum voting.

Mr. Mizner requested that when the Secretary called the roll that the names of all Senators present and refusing to vote, by reason of being paired or otherwise, be entered on the Journal, and that any Senator refusing to vote or give such explanation as shall be deemed by the Senate a sufficient one, shall be deemed guilty of a contempt of the Senate.

The President stated that he had no power to compel Senators to vote. He could simply state the rules and request every member to vote.

Messrs. Curtis moved to adjourn.

Messrs. Murch, Roberts and Mandeville demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Hager, Johnson, Morrill—5.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

So the motion was lost.

Mr. Roberts moved that the language already taken down by the Secretary be read to the Senate.

The President ruled the motion out of order.

Mr. Mandeville demanded that certain language uttered by the Senator from Solano, which he considered disrespectful, be taken down by the Secretary at the desk, with which the Secretary complied in the following words: "Mr. Mizner said that it might become necessary—a military necessity—to resort to extraordinary measures to maintain the dignity of the Senate."

The question recurring on the question, Shall the decision of the Chair stand as the judgment of the Senate? Messrs. Murch, Chappell and Hardy demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Hardy, Johnson—2.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—14.

No quorum voting.

Mr. Mandeville declined voting for reason of having paired off.

Mr. Roberts moved that the Sergeant-at-Arms be instructed to go after the Senators from San Francisco, Santa Clara and Mariposa, who are absent without leave.

The President decided the motion out of order.

Mr. Roberts appealed to the Senate.

Mr. Mandeville raised the point of order, that two appeals could not be entertained at the same time.

The President decided the point of order well taken.

Mr. Mizner moved to reconsider the vote by which the Senate seconded the previous question.

Mr. Mandeville raised the point of order, that no motion could be entertained by the Chair while acting under the previous question, except a motion to adjourn, and that a motion to reconsider the vote whereby the Senate ordered the previous question was not in order.

The Chair (Mr. Lewis) ruled the point of order not well taken; that on a direct vote, if a majority are in favor of a reconsideration, such vote will prevail.

Mr. Mandeville appealed from the decision.

Mr. Roberts raised the point of order, that the appeal was not in order, as there was already one pending before the Senate.

The President decided the point of order well taken.

On the motion to reconsider the vote by which the Senate seconded the previous question, the ayes and noes were demanded by Messrs. Mandeville, Roberts and Maclay.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Heacock, Johnson, Lewis, Mandeville, McDougall, Mizner, Murch, Murphy, Roberts, Robinson, Teegarden, Wadsworth, Wolcott—17.

NOES—Messrs. Conn, Curtis—2.

No quorum voting.

Mr. Hager moved to adjourn.

Messrs. Murch, Hardy and Beach demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Curtis, Hager, Morrill, Rose—4.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Johnson, Lawrence, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—17.

No quorum having voted, the roll was again called, with the following result:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hager, Hardy, Heacock, Johnson, Mizner, Perley, Roberts, Robinson, Rose, Wolcott—16.

NOES—Messrs. Curtis, Murch, Wadsworth—3.

Mr. Curtis moved to adjourn.

The ayes and noes were demanded by Messrs. Hardy, Mizner and Green.

The vote was as follows :

AYE—Mr. Curtis—1.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Johnson, Lawrence, Mandeville, Mizner, Morrill, Murch, Perley, Roberts, Robinson, Rose, Wadsworth, Wolcott—20.

So the motion was lost.

The roll was again called, on the motion of Mr. Mizner, to reconsider the vote ordering the previous question, with the following result :

AYES—Messrs. Belden, Bradley, Chappell, Ewer, Green, Hager, Hardy, Heacock, Johnson, Mizner, Perley, Roberts, Rose, Wadsworth, Wolcott—15.

NOES—None.

No quorum voting.

The Chair (Mr. Lewis) having again directed the roll to be called, Mr. Mandeville raised the point of order, that a motion to reconsider the vote whereby the Senate was acting under the previous question was not in order.

The Chair decided the point of order well taken.

The question again recurred on sustaining the decision of the President, the Chair (Mr. Lewis) also deciding that no motion was in order, except to adjourn, until the Senate came to a direct vote on the proposition before it.

The roll was called, with the following result :

AYES—Messrs. Hardy, Johnson—2.

NOES—Messrs. Belden, Bradley, Chappell, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—12.

No quorum voting.

Mr. Mandeville moved to adjourn.

The ayes and noes were demanded by Messrs. Roberts, Heacock and Hardy.

The vote was as follows :

AYE—Mr. Hunter—1.

NOES—Messrs. Beach, Belden, Chappell, Green, Hardy, Heacock, Johnson, Lawrence, Mizner, Morrill, Murch, Perley, Roberts, Robinson, Wolcott—15.

So the motion was lost.

On sustaining the decision of the President, the roll was again called, with the following result :

AYES—Messrs. Curtis, Hardy, Johnson, Rose—4.

NOES—Messrs. Beach, Belden, Chappell, Ewer, Green, Heacock, Mizner, Morrill, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—14.

No quorum voting.

The roll was again called on sustaining the decision of the President, with the following result :

AYES—Messrs. Curtis, Hardy, Johnson—3.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Perley, Roberts, Robinson, Rose, Wadsworth, Wolcott—14.

No quorum voting.

Mr. Pendegast moved to adjourn.

The ayes and noes were demanded by Messrs. Mizner, Hardy and Bradley.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Hager, Johnson, Lawrence, Mandeville, Morrill, Rose—8.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

So the motion was lost.

The vote was again taken on sustaining the decision of the President, with the following result :

AYES—Messrs. Hardy, Johnson—2.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Rose, Wadsworth, Wolcott—15.

No quorum voting.

Mr. Curtis, prefacing his motion by expressing a desire that Senators have further time to discuss the merits of the resolutions concerning which the pending appeal has been taken on a motion arising from a motion to reconsider the adoption thereof, moved to adjourn.

The ayes and noes were demanded by Messrs. Hardy, Belden and Murch.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Mandeville, Morrill, Murphy, Rose—9.

NOES—Messrs. Beach, Belden, Bradley, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth—12.

So the motion was lost.

The roll was again called on sustaining the decision of the President, with the following result :

AYES—Messrs. Hardy, Johnson—2.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Green, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Rose, Wadsworth—13.

No quorum voting.

Mr. Johnson moved to adjourn.

The ayes and noes were demanded by Messrs. Hardy, Green and Belden.

The vote was as follows :

AYES—MESSRS. Curtis, Hager, Hunter, Johnson, Lawrence, Mandeville, Mizner, Murphy, Rose—9.

NOES—MESSRS. Beach, Belden, Bradley, Chappell, Green, Hardy, Heacock, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—13.

So the motion was lost.

Mr. Hager moved to adjourn.

Messrs. Hager, Mandeville and Rose demanded the ayes and noes.

The vote was as follows:

AYES—MESSRS. Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Mandeville, Morrill, Rose—9.

NOES—MESSRS. Beach, Belden, Bradley, Chappell, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—14.

So the motion was lost.

The roll was again called on sustaining the decision of the President, with the following result:

AYES—MESSRS. Hardy, Johnson—2.

NOES—MESSRS. Beach, Bradley, Chappell, Ewer, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Rose, Wadsworth, Wolcott—13.

No quorum voting.

At ten o'clock and thirty minutes p. m. Mr. Pendegast asked unanimous leave to be allowed to submit a resolution which he was assured every Democratic Senator would feel bound to abide by. The resolution read as follows:

Resolved, That the vote sustaining the previous question be reconsidered, and that the motion to reconsider the vote by which Senate resolutions relating to the action of Congress regarding the proposed impeachment of the President were adopted be amended by adding, "and this order shall take precedence of all other orders of the day until this order shall be exhausted."

Mr. Heacock objected for the reason that the minority in the Senate had made and continued factious opposition, which should have ceased within two hours after the struggle commenced, which has prolonged the issue to so late an hour, and therefore should continue to object to the resolution.

The resolution being amended, so as to provide that the consideration of the resolutions offered by Mr. Heacock should take precedence of every other order until this order be disposed of, Mr. Heacock withdrew his objection and the resolution was adopted.

Then, on motion of Mr. Beach, at ten o'clock and forty minutes p. m., the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Monday, March 2d, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Friday read and approved.

Leave of absence was granted to Mr. Pearce until Thursday next.

Mr. Curtis had leave to have his name recorded as voting against the adoption of the resolutions introduced by Mr. Heacock on Friday last, relative to the recent action of Congress, and as voting in favor of the amendment thereto offered by Mr. Morrill.

Mr. Belden had leave to have his name recorded as voting in favor of the adoption of the resolutions above referred to, and as voting against the adoption of the amendment offered by Mr. Morrill.

While the Journal of Saturday was being read, and before the conclusion thereof, the hour of twelve o'clock M. arrived, the time fixed for the consideration of the general file (the special order).

The Senate, under the ruling of the President, took up the motion to reconsider the vote by which the resolutions introduced by Mr. Heacock on Friday last, relative to the recent action of Congress, were adopted.

The question being on sustaining the decision of the President on the appeal taken on the point of order raised by Mr. Chappell, relative to reconsidering the vote by which the Senate adopted the aforesaid resolutions offered by Mr. Heacock, Messrs. Murch, Beach and Wadsworth demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murphy, Pendegast—13.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Rose, Wadsworth, Wolcott—16.

So the Senate refused to reconsider.

Mr. Robinson moved to indefinitely postpone the motion to reconsider.

Messrs. Chappell, Murch and Mizner demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Ewer, Green, Hardy, Perley, Robinson, Wolcott—8.

NOES—Messrs. Bradley, Chappell, Conn, Curtis, Freeman, Hager, Heacock, Hunter, Johnson, Lawrence, Maclay, Mandeville, Mizner, Morrill, Murch, Murphy, Roberts, Rose, Wadsworth—19.

So the Senate refused to indefinitely postpone.

On the motion to reconsider the vote whereby the resolutions were adopted, the ayes and noes were demanded by Messrs. Lewis, Murphy and Rose.

The vote was as follows:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Maclay, Mandeville, Morrill, Murphy, Rose—12.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—15.

So the Senate refused.

MESSRS. ROSE and LEWIS had leave to have their names recorded as voting against the passage of the resolutions introduced by Mr. Heacock, relative to the action of Congress, and as voting in favor of the amendment offered by Mr. Morrill.

Mr. Hardy had leave to have his name recorded as voting in favor of the adoption of the Heacock resolutions, and as voting against the adoption of the amendment offered by Mr. Morrill.

Mr. Maclay introduced a resolution in behalf of the Democratic members of the Senate, which was read for information.

The President ruled that the resolution was not in order.

The reading of the Journal of Saturday was then completed, and the following amendments and corrections acted upon :

On motion of Mr. Pendegast, the words prefacing a resolution offered by him, and recorded on folio six hundred and thirty-two of the Journal of Saturday, to wit : "by which he was assured every Democratic Senator would feel bound to abide by"—were stricken out.

Mr. Hager moved to correct the Journal by inserting the following as his reason for not voting :

"Mr. Hager could not vote, being absent when the question was stated."

Lost.

Mr. Robinson moved to amend that portion of the Journal attributing certain objectionable language to Mr. Freeman, so as to conform to Mr. Freeman's explanation.

Lost.

The rules were suspended for the introduction of the following resolution by Mr. Maclay :

Resolved, That all language occurring in the Journal of the proceedings of February twenty-ninth, referring to language used in debate to which objection was taken, be expunged.

On the adoption of the resolution, Messrs. Pendegast, Mandeville and Maclay demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose—14.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Wadsworth, Wolcott—14.

There being a tie, the President, in the exercise of his constitutional privilege, voted in the affirmative, and so the resolution was adopted.

On motion of Mr. Roberts, the Journal was corrected by striking out

the word "lobby" and inserting in lieu thereof the words "Senate floor," as the language used by him in his motion to have the Sergeant-at-Arms clear the Senate floor of all persons except Senators, officers, attachés, reporters, etc.

On motion of Mr. Maclay, the Senate reconsidered the vote whereby they refused to adopt the amendment to the Journal, offered by Mr. Hager, and the amendment was then adopted.

On motion of Mr. Lewis, the Journal of Saturday was approved as amended and corrected.

RESOLUTIONS.

The rules were suspended for the introduction of the following resolutions:

Mr. Roberts offered the following:

Resolved, That the Committee on Federal Relations be and they are hereby authorized to appoint a Clerk, at the usual per diem of the Copying Clerks of the Senate, to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Mandeville offered the following:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to furnish the President of the Senate, each Senator, the Secretary of the Senate and the Sergeant-at-Arms of the Senate, postage stamps to the amount of twelve dollars and fifty cents; and the Controller of State be and is hereby authorized and directed to draw his warrant for the same, and the Treasurer of State directed to pay the same, payable in legal tender notes, out of the Contingent Fund of the Senate.

On the adoption of the resolution, Messrs. Hardy, Ewer and Murch demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Freeman, Green, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Roberts, Rose—15.

NOES—Messrs. Bradley, Ewer, Hager, Hardy, Johnson, Mizner, Murch, Robinson, Wadsworth, Wolcott—10.

So the resolution was adopted.

The President submitted a communication from the Central State Council of the Anti-Coolie Association, which, on motion, was accepted, and the reading dispensed with until to-morrow.

At four o'clock and fifty minutes P. M., Mr. Murphy moved to adjourn.

Messrs. Green, Perley and Lawrence demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Ewer, Freeman, Hager, Hardy, Hunter, Johnson, Lewis, Maclay, Mandeville, McDougall, Murphy, Pendegast, Roberts, Wolcott—16.

NOES—Messrs. Green, Lawrence, Mizner, Morrill, Murch, Perley, Robinson, Rose, Wadsworth—9.

So the motion was carried, and the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 3d, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The communication and a memorial of the Central Council of the Anti-Coolie Association, relative to Chinese immigration, submitted by the President on yesterday, the reading of which was deferred until to-day, was taken up, read and ordered printed.

PETITIONS.

Petitions were presented, as follows:

By Mr. Lawrence—Of A. G. Black, relative to his claim to certain lands in the Yosemite Valley.

Read and, with accompanying document, referred to the Committee on Public Lands.

By Mr. Perley—Numerous petitions of citizens praying the repeal of the Fence Law.

Read and referred to the Committee on Agriculture.

By Mr. Bradley—Of citizens of Placer County, praying exemption from an Anti-Fence Law should it pass.

Read and referred to the Committee on Agriculture.

By Mr. Pendegast—Of many practicing physicians in the City and County of San Francisco, relative to amending the law concerning dissections.

Laid on the table.

REPORTS.

Mr Mizner verbally reported Senate Bill No. 248, recommending its reference to the San Francisco delegation.

Mr. Maclay, Chairman of the Committee on State and County Revenue, made the following report:

MR. PRESIDENT: The Committee on State and County Revenue

have had under consideration, an Act supplementary and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two—and recommend its passage.

MACLAY, Chairman.

Mr. Ewer, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. — : An Act for the relief of the City of Benicia—having had the same under consideration, report a substitute therefor and recommend passage of the substitute.

Also, Senate Bill No. 344—An Act to authorize the issuance of duplicate school land warrants to Merritt Hardin and William Platt—report a substitute therefor and recommend the passage of the substitute.

EWER, Chairman.

Mr. Ewer, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 24—An Act to pay the outstanding Indian War bonds issued by the State of California under the Act of the Legislature approved May third, eighteen hundred and fifty-two, and the Acts supplementary thereto ;

Also, Senate Bill No. 156—An Act to appropriate money to pay the outstanding Indian War bonds and interest coupons issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto ;

Also, petitions from sundry holders of such bonds praying that provision for their payment may be made by the Legislature of this State ;

Having had the same under consideration, herewith report back a substitute for said bills, and recommend the passage of the substitute.

In the year eighteen hundred and fifty-two, the Legislature passed an Act funding outstanding Indian War claims to the amount of six hundred thousand dollars, and under the provisions of said law the State became absolutely liable to the holders of such bonds after a period of ten years, unless they were sooner paid by the General Government. On the fifth day of August, A. D. eighteen hundred and fifty-four, Congress passed a law appropriating nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259 65), for Indian War expenses in California, said appropriation being made to the State for the liquidation of the then outstanding Indian War claims against her up to January first, eighteen hundred and fifty-four. No portion of said appropriation was received by the State, and on the eighteenth day of August, eighteen hundred and fifty-six, a supplemental Act was passed by Congress diverting the above appropriation from the Treasury of the State, as first made, to the holders of the bonds issued up to the said first day of January, A. D. eighteen hundred and fifty-four. So far as your committee have been able to ascertain, the above appropriation was made and has been exhausted in the payment of

Indian War bonds issued prior to January first, eighteen hundred and fifty-four.

Since said January first, eighteen hundred and fifty-four, there have been issued by the proper authorities, Indian War bonds under the Act of the Legislature of this State, approved April twenty-seventh, eighteen hundred and fifty-two, the sum of forty thousand two hundred dollars (\$40,200). The principal and interest of the last named sum will probably amount to about fifty-nine thousand eight hundred and ninety-eight dollars (\$59,898); of which there was paid by Act of the Legislature, approved March thirty-first, eighteen hundred and sixty-six, the sum of thirty-two thousand five hundred dollars (\$32,500), leaving a probable balance of twenty-six thousand dollars (\$26,000) principal and interest, now due to the holders of the outstanding bonds. This sum your committee have deemed advisable to appropriate to the payment of said bonds, specifying in the bill accompanying this report, the number, date and amount of each bond. In making this appropriation your committee believe that no loss can accrue to the State, even if there should not be the full amount outstanding as above stated, as no money could be drawn unless the bonds should be actually presented for payment, corresponding in number, date and amount with the appropriation.

In regard to the coupons detached from the Indian War bonds of eighteen hundred and fifty-two, the bonds having been paid by Congress, your committee are of the opinion that the bondholders, in accepting their pay under an Act appropriating the money directly to them instead of the State, thereby released the State from all claims for payment of said coupons, either moral, legal or equitable, and your committee therefore recommend that no appropriation be made to pay any coupons except such as may be affixed to and form part of bonds presented for payment.

Your committee have deemed it advisable to make the appropriation in the manner herein indicated, in order to save the swelling of our biennial volumes of statutes, by appropriating to each bondholder separately, and also as an act of justice to such bondholders, the Legislature only being in session for the term of four months out of two years.

Your committee, in the substitute bill herewith reported, have imposed the settlement of these bonds upon the State Board of Examiners, believing that the only just and proper mode of settlement.

EWER, Chairman.

Mr. Ewer, from the Committee on Claims, reported also a bill for an Act to appropriate money to pay the outstanding Indian War bonds of the State of California issued since January, eighteen hundred and fifty-four, under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Read first and second times and placed on file.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 361—An Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and

fifty-one, and other Acts amendatory thereto—having had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco—report the same back and recommend its passage.

Also, Senate Bill No. 155—An Act to provide for the payment of interpreters in the Courts of justice in criminal cases in San Mateo County—report the same back and recommend its passage.

Also, Senate Bill No. 136—An Act to authorize Montgomery Godley, administrator with the will annexed of the estate of Charles G. McChesney, deceased, to sell certain land belonging to the estate of said deceased—report the same back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 282—An Act to amend an Act entitled an Act to regulate proceedings in the Courts of justice—report the same back with an amendment and recommend its passage as amended.

Also, Senate Bill No. 351—An Act to amend an Act to provide for the conveyance of mining claims, approved April thirteenth, eighteen hundred and sixty—report the same back with an amendment and recommend its passage as amended.

Also, Senate Bill No. 290—An Act to provide for the appointment of additional Notaries in the City and County of San Francisco—report it back and recommend that it be indefinitely postponed.

Also, Senate Bill No. 284—An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—report it back and recommend that it be indefinitely postponed.

BELDEN, Chairman.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 338—An Act to prevent the spread of contagious diseases among cattle and stock—have considered the same and report it back without recommendation.

PERLEY, Chairman.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda—have considered the same and report a substitute, as instructed, and recommend the passage of the substitute.

PERLEY, Chairman.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 77—An Act to repeal a part of an Act of April sev-

enteenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game—have had the same under consideration, and report a substitute, and recommend the passage of the substitute.

PERLEY, Chairman.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 302—An Act for the encouragement of agricultural and mechanical societies—have considered the same and recommend its passage.

PERLEY, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 99—An Act for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco;

Also, Senate Bill No. 159—An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco;

Also, Senate Bill No. 187—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street, between Brannan and King streets, in said city and county;

Also, Senate Bill No. 256—An Act to authorize the Board of Supervisors of El Dorado County to levy an additional tax for county purposes;

Also, Senate Concurrent Resolution No. 54, relative to printing agricultural reports;

And March second, at ten o'clock and forty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, substitute for Senate Bill No. 14—An Act to amend section nine of an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April nineteenth, eighteen hundred and fifty-six;

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

And the committee have examined and found correctly enrolled, Senate Resolution No. —, relative to the proposed impeachment of the President of the United States;

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed, Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 285—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 320—An Act for the encouragement of silk culture in this State.

Also, Senate Bill No. 308—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same.

Also, Senate Bill No. 224—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, amended March sixth, eighteen hundred and sixty-three.

Also, Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 215—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

WADSWORTH, Chairman.

Mr. Green, from the San Francisco, Alameda and Marin delegations, presented the following report :

MR. PRESIDENT: Your special committee, composed of the delegations from San Francisco, Alameda and Marin, to whom was referred Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin—have had the same under consideration, and report the bill back, and recommend its passage as amended.

ROBINSON,
GREEN.

Mr. Robinson, from the Alameda delegation, made the following report :

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 383—An Act to amend an Act entitled an Act to provide for the election of Township Assessors in the County of Alameda, approved

March twenty-eighth, eighteen hundred and sixty-four—have considered the bill and recommend its passage.

ROBINSON, for Delegation.

Mr. Hager, from the San Francisco delegation, made the following report :

Mr. PRESIDENT : The San Francisco delegation have had under consideration Senate Bill No. 72—An Act to settle and define the limits and boundaries of the County of Marin—respectfully report the same back, with amendments, and recommend the adoption of the amendments.

The said delegation object to the passage of the bill, on the following grounds :

First—That the bill proposes to extend the boundaries of Marin County into San Francisco County, against public interest and sentiment.

Second—That by so doing, an uncertain water line boundary running through the centre of the entrance of the Harbor of San Francisco will be established, thereby leaving the jurisdiction over the track of vessels entering and going out of the port uncertain and incapable of being defined by a natural, visible boundary.

Third—That if it should become a law, it would materially circumscribe the Port of San Francisco, by excluding therefrom a vast area of anchorage ground hitherto belonging to that port.

Fourth—That it would enable private persons to take up and locate swamp and overflowed lands at places on the Marin shore where they are now prohibited from doing so, by the five miles exemption applicable to the County of San Francisco, and thus enable them to obtain the control of a portion of the harbor lands and waters of the Bay of San Francisco.

Fifth—That it would be of no benefit to the inhabitants of the County of Marin to extend the jurisdiction of that county over the entrance to the Port and a portion of the present Harbor of San Francisco, but would be a serious injury and inconvenience to the commerce and people of San Francisco.

HAGER,
SAUNDERS,
TUBBS,
KINCAID.

For Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 29th, 1868.

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 271—An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six.

Also, Senate Bill No. 203—An Act to amend an Act concerning ferries

and toll bridges, approved April eighteenth, eighteen hundred and fifty-five.

Also, Senate Bill No. 331—An Act to postpone the next charter election of the City of Oakland.

Also, Senate Bill No. 201—An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties.

Also, substitute for Senate Bill No. 189—An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }
February 29th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 468—An Act to authorize the Board of Supervisors of El Dorado County to meet as a Board of Equalization on the fifth day of March, A. D. eighteen hundred and sixty-eight.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
February 29th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed Assembly Bill No. 109 (substitute)—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Also, Assembly Bill No. 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Also, Assembly Bill No. 116—An Act to provide for the drainage of the City of Sacramento, and the lands of Swamp Land District Number Two.

Also, the Assembly receded from their amendments to Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River.

Also, Assembly Bill No. 346—An Act supplementary to an Act to establish a Board of Health for the City and County of San Francisco, and to define the powers and duties thereof.

Also, Assembly Bill No. 375—An Act for the relief of Captain John H. Gilmore.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
February 29th, 1868. }

MR. PRESIDENT: The Assembly on the twenty-eighth day of February, eighteen hundred and sixty-eight, passed substitute for Senate Bill No.

99—An Act for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER.

March 2d, 1868. }

Mr. PRESIDENT: The Assembly have passed Senate Bill No. 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session.

Also, Senate Bill No. 280—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County.

Also, Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness.

Also, Senate Bill No. 37—An Act to authorize Richard Abby, administrator of the estate of R. H. Farquhar, deceased, to sell certain lands and real estate.

Also, Senate Bill No. 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco.

Also, with amendments, Senate Bill No. 231—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Also, Senate Bill No. 147—An Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved March twenty-fourth, eighteen hundred and sixty-six.

Also, receded from its amendment to Senate Bill No. 112, authorizing the construction of a wharf in the Bay of Monterey.

Also, Assembly Bill No. 447—An Act to re-district the County of Los Angeles, and provide for the election of Supervisors.

Also, Assembly Bill No. 448—An Act to stay the collection of certain taxes in Fresno County.

Also, Assembly Bill No. 226 (substitute for Assembly Bill No. 226)—An Act to provide funds to be applied to building an hospital in the City and County of San Francisco.

Also, Assembly Bill No. 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Also, concurred in second and third amendments to Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty—and refused to concur in first and fourth amendments made by Senate.

Also, passed Assembly Bill No. 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

Also, Assembly Bill No. 429—An Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, and amended April thirteenth, eighteen hundred and fifty-five.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 3d, 1868. }

Mr. PRESIDENT: The Assembly this day passed Senate Concurrent Resolution No. 59, relative to the pictures known as "First in Peace."

Also, Assembly Bill No. 173—An Act to create the Seventeenth Judicial District.

Also, Assembly Bill No. 200—An Act to authorize the City Council of Oakland to purchase land and erect a City Hall, and to issue bonds of said city, and provide for the payment of the same.

Also, Assembly Bill No. 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named.

Also, Assembly Bill No. 237—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 3d, 1868. }

Mr. PRESIDENT: The Assembly yesterday passed Senate Bill No. 202—An Act to amend an Act entitled an Act to provide for the division of Solano County into Assessment Districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No. 238—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano.

Also, Assembly Bill No. 435—An Act granting leave of absence from the State to Thomas R. Bard, Supervisor of Santa Barbara County.

Also, Senate Bill No. 26—An Act relating to homesteads.

Also, Senate Bill No. 92—An Act to provide for the payment of the indebtedness of Lassen County.

Also, Senate Bill No. 269—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims.

Also, Senate Bill No. 171—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, with amendments, Senate Bill No. 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and issue certificates of title to the inhabitants of said town, in accordance with their respective interests.

Also, with amendments, Senate Bill No. 173—An Act to authorize Cyrus Cheeny and associates to build and maintain a wharf on the San Joaquin River, at Antioch.

Also, Senate Bill No. 2 (Assembly substitute for Senate Bill No. 2)—An Act supplementary to an Act entitled an Act concerning conveyances.

Assembly Bill No. 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters.

Also, Senate Bill No. 151—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Also, Senate Bill No. 150—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty.

Also, Senate Concurrent Resolution No. 48, relative to a mail route from Trinity Centre to Sawyer's Bar, in Klamath County.

Also, Senate Concurrent Resolution No. 46, relative to the establishment of a daily mail route from Latrobe, in El Dorado County, to Lone City, in Amador County, and the establishment of a Post Office on said mail route.

Also, Senate Concurrent Resolution No. 53, relative to obtaining aid from Congress for the San Diego and Gila Southern Atlantic and Pacific Railroad Company.

Also, substitute for Senate Bill No. 172—An Act to amend an Act entitled an Act concerning the assessment and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 414—An Act to amend an Act of March sixteenth, eighteen hundred and sixty-four, entitled an Act relating to the office of District Attorney of the County of Sacramento.

Also, Assembly Bill No. 464—An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April fourth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 381—An Act to authorize John N. Appleton, E. C. Mitchell, and their associates and assigns, to improve the channel of King's River, in Fresno County, and to construct and maintain booms thereon.

Also, Assembly Bill No. 457—An Act for the relief of J. Scott Ashman, Sheriff of Fresno County.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 447, above reported, was read first and second times and referred to the Los Angeles delegation.

Assembly Bill No. 468, above reported, was read first and second times and referred to the El Dorado delegation.

Assembly Bill No. 364, above reported, was read first and second times and referred to the Judiciary Committee.

Substitute for Assembly Bill No. 109, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 59, above reported, was read first and second times and referred to Judiciary Committee.

Assembly substitute for Senate Bill No. 2, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 173, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 375, above reported, was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 457, above reported, read first and second times and referred to Committee on Claims.

Assembly Bill No. 116, above reported, was read first and second times and referred to Sacramento delegation.

Assembly Bill No. 414, above reported, was read first and second times and referred to Sacramento delegation.

Assembly Bill No. 338, above reported, was read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 346, above reported, was read first and second times and referred to San Francisco delegation.

Assembly Bill No. 396, above reported, was read first and second times and referred to San Francisco delegation.

Substitute for Assembly Bill No. 226, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 254, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 418, above reported, was read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 429, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 200, above reported, was read first and second times and referred to the Committee on Corporations.

The Senate concurred in the Assembly amendments to Senate Bill No. 219, above reported.

The Senate concurred in Assembly amendments to Senate Bill No. 331, above reported.

Assembly Bill No. 435, above reported, was read first and second times and referred to the Santa Barbara delegation.

Assembly Bill No. 2, above reported, was read first and second times and referred to the Humboldt delegation.

Assembly Bill No. 464, above reported, was read first and second times and referred to the Alameda delegation.

Assembly Bill No. 381, above reported, was read first and second times and referred to Fresno delegation.

The Senate concurred in Assembly amendments to Senate Bill No. 173, above reported.

The Senate concurred in Assembly amendments to Senate Bill No. 86, above reported.

The hour of twelve o'clock M. having arrived, the time fixed for the consideration of the general file (the special order), on motion of Mr. Murch, the same was postponed until the regular order of business shall have been gone through with.

Assembly Bill No. 172, above reported, was read first and second times and referred to the Yuba delegation.

Assembly Bill No. 237, above reported, was read first and second times and referred to Committee on Commerce and Navigation.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Hager—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Mizner—An Act to authorize J. H. Marston, his associates and assigns, to construct and maintain a wharf in the County of Solano.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to authorize the construction of a railroad bridge across Napa Creek at or near Suscol, in the County of Napa.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Robinson—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the northern end of the Encinal of San Antonio, via Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Tubbs—An Act for the regulation of sailors' boarding houses and of shipping offices in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Hager—An Act to confer power upon the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Lawrence—An Act to appropriate money to erect a monument to the memory of General George Wright.

Read first and second times and referred to the Committee on Finance.

By Mr. Roberts—An Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five.

Read first and second times and referred to the Nevada delegation.

By Mr. Green—An Act to prohibit the trapping or snaring of quail to be sold for edible purposes.

Read first and second times and referred to the Marin delegation.

By Mr. Belden—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures.

Read first and second times and placed on file.

By Mr. Freeman—An Act to create a Contingent Fund for the County of Kern.

Read first and second times and placed on file.

Also, an Act to provide for funding the debt of the Road Fund of Tulare.

Read first and second times and placed on file.

By Mr. Ewer—An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one.

Read first and second times and placed on file.

By Mr. Murphy—An Act for the relief of J. R. De la Guerra.

Read first and second times and referred to Committee on Claims.

By Mr. Rose—An Act for the relief of Robert M. Folger.

Read first and second times and referred to the Committee on Claims.

By Mr. Murphy—An Act to secure the safety of travellers on railroads.

Read first and second times and referred to the Committee on Corporations.

By Mr. Kincaid (by request)—An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to establish and maintain a hospital.

Read first and second times and referred to the San Francisco delegation.

By Mr. Teegarden—An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes.

Read first and second times; rules suspended, bill considered engrossed, read third time and passed.

By Mr. Maclay—An Act supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wolcott—An Act to amend an Act to regulate proceedings in civil cases of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Morrill—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two.

Read first and second times and referred to the Calaveras delegation.

By Mr. Conly—An Act to establish the valuation of personal property and buildings erected upon real estate, whether held absolutely or by leasehold, for the purpose of taxation for State, county, municipal or township purposes.

Read first and second times and referred to the Joint Committee on Revenue.

By Mr. Pendegast—An Act relative to the County Treasurer of Lake County.

Read first and second times and placed on file.

RESOLUTIONS.

Mr. Mandeville introduced the following:

WHEREAS, By an Act entitled "An Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four, the State guaranteed the payment of the interest on one million five hundred thousand dollars of the bonds of said Central Pacific Railroad Company, and became responsible for the same, and thereby contributed and will contribute two million one hundred thousand dollars towards the construction of said Central Pacific Railroad;

And whereas, it is asserted that the moneys so contributed by the State of California have not been used and applied as agreed and directed by said Act for the construction of said railroad, but that they have been applied and used in the purchase of other railroads and railroad franchises, to wit: In the purchase of the Sacramento Valley Railroad; the California Central Railroad; the Marysville and Oroville Railroad; the franchise of the Northern California and Oregon Railroad, and the franchise of the Western Pacific Railroad; therefore be it

Resolved, That a committee of five be appointed by the Senate, to

consist of Senators Tweed, Roberts, Mandeville and Beach, to whom shall be referred the petition of J. A. Hofman and others, to inquire into the matters above set forth, and that said committee be authorized to send for persons and papers.

Mr. Robinson moved to refer the resolution to the Judiciary Committee.

Lost.

Mr. Curtis moved to indefinitely postpone the same.

The ayes and noes were demanded by Messrs. Tweed, Maclay and Curtis.

The vote was as follows:

AYES—Messrs. Belden, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Heacock, Lawrence, Morrill, Pendegast, Perley, Pratt, Rose, Teegarden, Tubbs, Wolcott—18.

NOES—Messrs. Bradley, Hager, Hardy, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Mizner, Murch, Roberts, Robinson, Saunders, Tweed, Wadsworth—17.

So the motion was carried.

On motion of Mr. Pendegast, Senate Concurrent Resolution No. 4, relative to Chinese immigration, was referred to the Committee on Federal Relations, with instructions to report at an early day.

Mr. Perley introduced the following resolution:

Resolved, That Senators Teegarden, Perley, Johnson, McDougall and Maclay be allowed and paid thirty dollars, it being the amount of error (of one hundred and fifty miles) in the mileage allowed said Senators yesterday; the distance travelled by them being six hundred miles instead of four hundred and fifty, as then computed.

Referred to the Committee on Mileage.

Mr. Perley introduced the following resolution:

Resolved, That L. Hubbard be allowed and paid the sum of one hundred and fourteen dollars (\$114), it being the per diem due him as Clerk of the Senate Hospital Committee, from the tenth day of February to the twenty-ninth day of February, eighteen hundred and sixty-eight; and also the further sum of one hundred and twenty dollars (\$120), for six hundred (600) miles travel with said committee.

Laid on the table.

Mr. Chappell introduced a concurrent resolution relative to the employment by the Governor of an attorney to represent the State of California in matters relating to this State before the Department of the Interior at the Federal Capital.

Referred to the Committee on Public Lands.

Mr. Lawrence introduced the following resolution:

Resolved, That the practice of pairing off is founded on doubtful parliamentary authority, and although a custom, to some extent, among legislative bodies, involves a violation of an express rule of this Senate and of the duties of Senators to their constituents, and should be discountenanced and discontinued from and after this date.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Green, Lawrence and Johnson.

The vote was as follows :

AYES—Messrs. Conn, Hager, Hunter, Johnson, Lawrence, Maclay, Mandeville, McDougall, Morrill, Pendegast, Rose,—11.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lewis, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—24.

So the resolution was rejected.

Mr Pendegast had leave to have his name recorded as voting against the adoption of the resolutions introduced by Mr. Heacock on Friday last, and in favor of the amendment introduced by Mr. Morrill; also as voting in favor of the reconsideration of the vote by which the aforesaid resolutions were adopted.

Mr. Tweed had leave to have his name recorded as voting in favor of the adoption of the resolutions above referred to, and as voting against the amendment offered by Mr. Morrill.

SPECIAL ORDER.

The Senate took up Senate Bill No. 56 (substitute for Senate Bill No. 13—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments—the first special order of the day.

The President pro tem. (Mr. Mizner) in the chair.

Mr. Tweed offered a substitute.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Belden, Tweed and Lewis.

The vote was as follows :

AYES—Messrs. Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Johnson, Lewis, Mandeville, Mizner, Morrill, Murch, Pendegast, Pratt, Roberts, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Belden, Conn, Hager, Hunter, Maclay, Murphy, Perley, Robinson, Rose, Saunders—10.

So the substitute was adopted.

The bill was then ordered engrossed.

Mr. Pendegast gave notice of a motion to reconsider the vote whereby the substitute was adopted.

On motion of Mr. Murch, Senate Bill No. 32 (the second special order of the day) was placed at foot of file for to-morrow.

On motion of Mr. Perley, Senate Bill No. 343 was placed on top of file for to-morrow.

On motion of Mr. Hardy, at three o'clock and twenty minutes the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
 Wednesday, March 4th, 1868. }

The Senate met pursuant to adjournment.
 President in the chair.
 Roll called.
 Quorum present.
 Prayer by the Chaplain.
 Journal of yesterday read and approved.

REPORTS.

The rules were suspended, and Mr. Johnson had leave to make a verbal report, recommending the passage of Assembly Bill No. 468—An Act to authorize the Board of Supervisors of El Dorado County to meet as a Board of Equalization on the fifth day of March, A. D. eighteen hundred and sixty-eight.

The rules were further suspended, and the bill read a third time and passed.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT : The Committee on Judiciary, to whom was referred Assembly Bill No. 19—An Act defining the rights, privileges and duties of coparceners, joint tenants and tenants in common in the occupation of lands and tenements held in common—having had the same under consideration, report it back with amendments and recommend its passage.

Also, substitute for Assembly Bill No. 79—An Act to authorize the County Judges and Probate Judges of this State to hold terms or parts of terms of the County Courts and Probate Courts in counties other than those for which they were respectively elected—report the same back and recommend its passage.

Also, Assembly Bill No. 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee—report the same back without amendment, and recommend its passage.

Also, Assembly Bill No. 54—An Act to protect the wages of labor—report the same back with an amendment and recommend its passage as amended.

Also, Senate Bill No. 334—An Act creating the office of Insurance Commissioner and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks as securities for transacting business in this State—report the same back with amendments and recommend its passage as amended.

Also, Senate Bill No. 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California—report the same back with amendments and recommend its passage as amended.

BELDEN, Chairman.

On motion of Mr. Hager, the rules were suspended, and Senate Bills

Nos. 334 and 335, above reported, were taken up and severally made the special order for Friday, March sixth, eighteen hundred and sixty-eight, at two o'clock p. m.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 393—An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suscol, in the County of Napa—have had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 402—An Act for the regulation of sailors' boarding houses and of shipping offices in the City and County of San Francisco—report it back and recommend its passage.

MIZNER, Chairman.

Mr. Maclay, Chairman of the Committee on State and County Revenue, made the following report:

MR. PRESIDENT: The committee to whom was referred Assembly Bill No. 448—An Act to stay the collection of certain taxes in Fresno County—report the same back and recommend its passage.

MACLAY, Chairman.

Mr. Ewer, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 281—An Act to pay outstanding war bonds issued under the Act of the Legislature approved April twenty-fifth, eighteen hundred and fifty-seven—having had the same under consideration, report the same back without recommendation.

Also, Assembly Bill No. 143—An Act to authorize the Controller of State to credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses—report the same back without recommendation.

Also, Assembly Bill No. 168—An Act for the relief of the Treasurer of Sacramento County—report the same back and recommend its passage.

And your committee would further recommend that so much of section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company and providing for the payment of the same, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, which gives the State's portion of the taxes paid by said railroad company to the sole use and benefit of the County of Sacramento, be at once repealed.

EWER, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 37—An Act to authorize Richard Abby, administrator of the estate of R. H. Farquhar, deceased, to sell certain lands and real estate;

Also, Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey;

Also, Senate Bill No. 147—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six;

Also, Senate Bill No. 163—An Act to prevent injury to the property of the Orphan Asylum of San Francisco;

Also, Senate Bill No. 280—An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County;

And this day, at ten o'clock and forty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

The rules were suspended for the introduction of the following resolution by Mr. Wadsworth:

Resolved, That the Committee on Engrossment be authorized to correct Senate Bill No. 205, by making it conform to amendments adopted by the Senate, as follows:

Section one, line five, change words "each of said deputies," so as to read "said deputy."

In line eight, strike out the words "and deputy."

On motion, the resolution was adopted.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 358—An Act to provide for the re-funding of the funded debt of Siskiyou County.

Also, Senate Bill No. 129—An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara.

Also, Senate Bill No. 362—An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three.

Also, Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco.

Also, Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company and to provide for the payment of the same.

WADSWORTH, Chairman.

Mr. Pratt, from the Sierra delegation, made the following report:

MR. PRESIDENT: The Sierra delegation, to whom was referred Assembly Bill No. 134—An Act in relation to the county officers of the County of Sierra—report back the same, with a substitute therefor, and recommend the passage of the substitute.

PRATT, for Delegation.

Mr. Green made the following report :

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 391—An Act to prohibit the trapping of quail to be sold for edible purposes—had the same under consideration, and report the bill back and recommend its passage.

GREEN, for Delegation.

Mr. Roberts, from the Nevada delegation, made the following report :

MR. PRESIDENT: The Nevada delegation, to whom was referred Senate Bill No. 390—An Act to amend an Act concerning lawful fences—report the same back and recommend its passage.

ROBERTS, for Delegation.

Mr. Hardy verbally reported, recommending the passage of Senate Bill No. 407—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two.

Mr. Robinson, from the Alameda delegation, made the following report :

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 464—An Act to amend section two of an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April sixth, eighteen hundred and sixty-three—have had the same under consideration and recommend its passage.

ROBINSON, for Delegation.

Mr. Curtis, from the Sacramento delegation, made the following report :

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses in Sacramento County—have had the same under consideration and report the same back without recommendation.

CURTIS,
HEACOCK,
Sacramento Delegation.

Mr. Curtis, from the Sacramento delegation, made the following report :

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bills Nos. 116 and 338, have had the same under consideration, and report the same back and recommend their passage.

CURTIS,
HEACOCK,
Sacramento Delegation.

On motion of Mr. Curtis, the rules were suspended and Assembly Bill No. 116—An Act for the drainage of the City of Sacramento and of the

lands of Swamp Land District No. 2; and Assembly Bill No 338—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named—above reported, were taken up, severally read a third time and passed.

Mr. Murphy verbally reported, recommending the passage of Assembly Bill No. 435—An Act granting leave of absence from the State to Thomas R. Beard, Supervisor of Santa Barbara County.

Mr. Murch, from the Humboldt delegation, made the following report :

MR. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters—have had the same under consideration, and report it back with an amendment and recommend its passage as amended.

MURCH, for Delegation.

Mr. Maclay verbally reported, recommending the passage of Assembly Bill No. 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara.

Mr. Freeman, from the Fresno delegation, made the following report :

MR. PRESIDENT: The Fresno delegation, to whom was referred Assembly Bill No. 381, report the same back and respectfully recommend its passage.

FREEMAN, for Delegation.

Mr. Saunders, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The San Francisco delegation have had under consideration Senate Bill No. 138, and respectfully report the same back with a substitute and recommend the passage of the substitute.

SAUNDERS, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 3d, 1868.

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 159—An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco.

Also, Senate Bill No. 187—An Act to change the present official grade of First street, from the southerly line of Bryant street to the northerly line of King street, in the City and County of San Francisco, and establish the present actual grade thereof as the official grade.

Also, Senate Bill No. 256—An Act to authorize the Board of Super-

visors of the County of El Dorado to levy an additional tax for county purposes.

Also, substitute for Senate Bill No. 99—An Act for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco.

Also, Assembly substitute for Senate Bill No. 14—An Act to amend section nine of an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court and to define his duties and compensation, approved April nineteenth, eighteen hundred and fifty-six.

H. H. HAIGHT,
Governor.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows :

By Mr. Roberts—An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Read first and second times and referred to the Judiciary Committee and ordered printed.

By Mr. Lewis—An Act supplementary to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Pratt—An Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra and the Acts amendatory thereof.

Read first and second times and placed on file.

Also, an Act to fund the debt of Sierra County and provide for the payment of the same.

By Mr. Kincaid—An Act to incorporate the Town of Redwood City.

Read first and second times and placed on file.

By Mr. Pendegast—An Act to promote the study of anatomy and to repeal existing laws upon the subject.

Read first and second times and placed on file.

By Mr. Ewer—An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and placed on file.

The hour having arrived for the consideration of the general file (the special order), the same was, on motion of Mr. Pendegast, postponed until the regular order of business shall have been gone through.

By Mr. Heacock—An Act appropriating money to pay the claim of H. C. Kibbe.

Read first and second times and referred, with accompanying documents, to the Committee on Claims.

By Mr. Pendegast—An Act for the relief of J. S. Downs.

Read first and second times and, with a petition, referred to the Committee on Claims.

By Mr. Belden—An Act amendatory of an Act entitled an Act regulating the settlement of the estates of deceased persons.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to authorize the guardians of certain minors to sell or mortgage their real estate.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wadsworth (by request)—An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in San Mateo County.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Mr. Kincaid was granted leave of absence for one day.

By Mr. Rose—An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador, and to prescribe the manner of paying the same.

Read first and second times and referred to the Calaveras and Amador delegations.

Mr. Pendegast, pursuant to notice, moved to reconsider the vote by which the Senate, on yesterday, ordered engrossed Senate Bill No. 56.

Mr. Lewis raised the point of order, that no vote could be reconsidered except on vote on a final passage.

The President ruled the point of order not well taken.

Mr. Johnson appealed to the Senate from the ruling of the President.

On a vote being taken, the Chair was sustained.

Mr. Pendegast amended his motion for a reconsideration of the vote above referred to so as to place the motion on top of file for to-morrow.

Messrs. Mizner, Mandeville and Roberts demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Belden, Conly, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Robinson, Rose, Shaw—20.

NOES—Messrs. Beach, Bradley, Chappell, Conn, Curtis, Ewer, Hardy, Mizner, Murch, Pratt, Roberts, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—16.

So the motion was carried.

GENERAL FILE.

Senate Bill No. 343—An Act to amend an Act entitled an Act to authorize the formation of corporations for the construction of plank and turnpike roads.

The bill was amended.

On ordering the bill engrossed, Messrs. Chappell, Mandeville and Perley demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Mandeville, McDougall, Morrill, Murch, Murphy, Perley, Rose, Teegarden, Wadsworth—17.

NOES—Messrs. Belden, Bradley, Chappell, Conly, Conn, Ewer, Hardy, Lewis, Maclay, Mizner, Pendegast, Pratt, Roberts, Robinson, Tweed, Wolcott—16.

So the bill was ordered engrossed.

Mr. Mizner offered the following resolution :

Resolved, That the San Francisco delegation be instructed to report back Senate Bill No. 248, and that the same be recommitted to the Committee on Commerce and Navigation.

Adopted.

Senate Concurrent Resolution No. 11—Proposed amendments to the of State of California.

The rules were suspended, resolutions considered engrossed and read a third time.

On the adoption of sections three, five and seven, the roll was called, with the following result :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lawrence, McDougall, Mizner, Morrill, Murch, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—31.

No—Mr. Mandeville—1.

So the sections above referred to were adopted.

Mr. Mandeville in the chair.

Mr. Robinson moved to make the consideration of Article nine the special order for Friday next at two o'clock p. m.

Lost.

The amendment to section one of Article nine was taken up, amended and passed by the following vote :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lawrence, Maclay, Mandeville, Mizner, Murch, Murphy, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—30.

NOES—None.

On motion of Mr. Shaw, Senate Joint Resolution No. 1, relative to acquiring territory from Mexico, was made the special order for Wednesday next at two o'clock p. m.

Mr. Mandeville moved a call of the Senate.

Lost.

Mr. Roberts moved to make Assembly Concurrent Resolution No. 38, relative to Joint Convention for the election of State Harbor Commissioner, the special order for March twenty-eighth at two o'clock p. m.

The ayes and noes were demanded by Messrs. Belden, Shaw and Mandeville.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tweed, Wadsworth, Wolcott—18.

NOES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose, Saunders, Shaw—15.

So the motion prevailed.

Mr. Murch moved to make the consideration of the Governor's message appointing Port Wardens the special order for March twenty-eighth at two o'clock P. M.

Messrs. Mandeville, Hunter and Lewis demanded the ayes and noes. The vote was as follows :

AYES—Messrs. Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tweed, Wadsworth, Wolcott—18.

NOES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose, Saunders, Shaw—15.

So the motion was carried.

Mr. Johnson moved to make the consideration of Senate Bill No. 32—An Act fixing the per diem and mileage of members of the Legislature—the special order for March twenty-fourth at two o'clock P. M.

Messrs. Johnson, Murch and Tweed demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Beach, Conly, Curtis, Freeman, Green, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw—19.

NOES—Messrs. Belden, Bradley, Chappell, Ewer, Hager, Hardy, Heacock, Mizner, Murch, Roberts, Robinson, Rose, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—17.

So the motion was carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 4th, 1868.

To the Senate of the State of California :

I herewith return to your honorable body without my approval, Senate Bill No. 193—An Act to authorize D. W. McCollum and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County.

It is obnoxious to the objections which are applicable to all grants of special franchises where the whole subject is fully provided for by general laws. There seems to be no advantage in its passage, unless it is to save the grantees the fees for filing papers under the general statute or relieve them from placing a railing on the sides of the bridge, as provided in the Act relative to toll bridge companies, to be found in Hittell's Digest, volume one, Articles one thousand and six to one thousand and twenty-three.

There are, however, two other particulars in which this bill differs from the general law : The general law exempts funeral processions and children attending school from the payment of tolls ; this bill makes no exemptions whatever. The general law provides for the annual regulation of tolls, while this bill allows, in section three, the Board of Super-

visors of Mendocino County to fix the rates of tolls once, with a proviso, that the rates thus fixed may be changed or modified by the Legislature.

It can hardly be seriously supposed that the Legislature will devote its time to the revision of tolls upon each local bridge or road in the various counties.

H. H. HAIGHT, Governor.

President in the chair.

A lengthy message was received from the Governor declining to transmit, as directed, the resolutions offered by Mr. Heacock on Friday last, and finally adopted by the Senate on Monday last, relative to late actions of the President and Congress, and assigning his reasons therefor.

[For message see Appendix.]

Mr. Shaw moved that the reasons expressed in the Governor's message just read, why he declines to send the resolutions mentioned in said message to the Senate of the United States, be and they are declared satisfactory to the Senate.

Messrs. Mizner, Roberts and Murch demanded the ayes and noes on the proposition.

The vote was as follows :

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Rose, Saunders, Shaw—18.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—18.

There being a tie, the President, in the exercise of his constitutional privilege, voted in the affirmative, and so the motion prevailed.

CONSIDERATION OF THE GOVERNOR'S VETO MESSAGE.

The Senate took up Senate Bill No. 193, returned with the Governor's objections, and on the question, Shall the bill pass notwithstanding the objections of the Governor? the roll was called, with the following result :

AYES—None.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—36.

Senate Concurrent Resolution No. 20—Proposed amendments to the Constitution of the State of California.

On concurring in the amendment made in Committee of the Whole, by which section two was amended by inserting the words "and twenty" between the words "hundred" and "days," occurring in the last line of said section, Messrs. Murch, Bradley and Rose demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Conly, Conn, Curtis, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Maclay, Mande-

ville, McDougall, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Teegarden, Tweed, Wadsworth—30.

Noes—None.

So the amendment was adopted.

The rules were suspended, the resolution considered engrossed, read third time and passed.

Mr. Mizner gave notice that on to-morrow he would move a reconsideration of the vote whereby the Senate this day accepted the reasons given by the Governor for refusing, as directed, to transmit the Heacock resolutions, relative to the late action of Congress and President Johnson.

GENERAL FILE RESUMED.

Senate Bill No. 274—Proposed amendments to Constitution.

Rules suspended, considered engrossed and read third time.

The ayes and noes were called on the passage of the bill, with the following result :

AYES—Messrs. Belden, Bradley, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Teegarden, Wadsworth—29.

No—Mr. Tweed—1.

Senate Concurrent Resolution No. 21—Proposed amendments to the Constitution.

Mr. Rose offered a substitute, and moved that it be placed on top of file for Saturday next.

Mr. Roberts moved to amend the motion by inserting "and resolution," so as to have the substitute and resolution placed on top of file for Saturday next

The ayes and noes were demanded by Messrs. Hager, Green and Murch.

The vote was as follows :

AYES—Messrs. Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Murphy, Pendegast, Perley, Roberts, Robinson, Rose, Saunders—13

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Green, Hager, Heacock, Hunter, Mizner, Morrill, Murch, Teegarden, Tweed, Wadsworth, Wolcott—17.

So the motion was lost.

Mr. Robinson moved to refer the original resolution and substitute to the Finance Committee.

Lost.

On the adoption of the substitute, Messrs. Rose, Murphy and Wadsworth demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Curtis, Freeman, Johnson, Lawrence, Maclay, Mandeville, McDougall, Murphy, Pendegast, Rose—10.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Green, Hager, Heacock, Hunter, Mizner, Murch, Roberts, Teegarden, Wadsworth, Wolcott—16.

So the substitute was rejected.

Mr. Mandeville in the chair.

Mr. Roberts offered the following amendment :

Insert after the word "situated," the following: "The Legislature may exempt from taxation church edifices used for religious worship, and such portions of lots occupied by them as may be deemed proper."

Lost.

The bill was then amended, ordered engrossed and ordered printed.

On motion of Mr. Green, at four o'clock and fifteen minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Thursday, March 5th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Pearce was granted indefinite leave of absence, and Mr. Kincaid until Monday next.

PETITION.

Mr. Hager presented a petition from Mrs. E. J. McLean, praying the passage of an Act for her relief.

Read and, with accompanying documents, referred to the Committee on Claims.

Mr. Mizner, pursuant to notice given yesterday, moved to reconsider the vote whereby the Senate on yesterday, on motion of Mr. Shaw, accepted as satisfactory the reasons given by the Governor in his message of yesterday for not transmitting, as directed, Heacock's resolutions relative to certain actions of Congress and President Johnson.

The ayes and noes were demanded by Messrs. Beach, Mizner and Tweed.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green,

Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendergast, Rose, Saunders—16.

So the motion was carried.

While the roll was being called, objection was made to Mr. Chappell's voting, but after the announcement of the vote he had unanimous leave to have his name recorded as voting in the affirmative.

Mr. Heacock offered the following resolutions as a substitute for the motion made by Mr. Shaw on yesterday, relative to the Governor's refusing to telegraph the Heacock resolutions :

Resolved, That the reason given by His Excellency the Governor, in the following portion of his message, viz: "That body [meaning the Senate of the United States], sits as a Court to try the President upon the charges presented, and any attempt to forestall the judgment of that or any other judicial tribunal before the accused is heard in his defence would be indelicate and improper," for not telegraphing the resolutions referred to therein, be deemed and accepted by the Senate as a sufficient reason for his refusal to telegraph the resolutions to the Honorable Benjamin F. Wade, President of the Senate of the United States, as directed by order of the Senate.

Resolved, further, That such reason does not apply to that portion of the order of the Senate which directs him to telegraph the resolutions to the Honorable Schuyler Colfax, Speaker of the House of Representatives of the Congress of the United States, and that no sufficient reason or cause is given or shown in his message for a failure to comply with such last mentioned portion of the order of the Senate; therefore be it further

Resolved, That the resolutions referred to in the Governor's message be returned to him, and that he be respectfully requested to immediately telegraph the first three of such resolutions to the Honorable Schuyler Colfax, Speaker of the House of Representatives of the Congress of the United States.

On the adoption of the resolutions as a substitute for the motion of Mr. Shaw, Messrs. Mizner, Chappell and Heacock demanded the ayes and noes.

The vote was follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendergast, Rose, Saunders—16.

So the substitute was adopted.

Mr. Johnson demanded a division of the question, and the Chair so ordered.

On the adoption of the first resolution, Messrs. Belden, Lawrence and Morrill demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Beach, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wolcott—31.

NOES—Messrs. Belden, Bradley, Chappell, Hardy, Murch, Wadsworth—6.

So the first resolution was adopted.

On the adoption of the second resolution, the ayes and noes were demanded by Messrs. Belden, Murch and Mizner.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose, Saunders, Shaw—17.

So the second resolution was adopted.

On motion of Mr. Belden, the vote by which the Senate on yesterday ordered engrossed Senate Concurrent Resolution No. 21—Proposed amendment to the Constitution—was reconsidered.

Mr. Belden moved to amend the resolution, as follows. Amend section thirteen by striking therefrom the words :

“But assessors and collectors of town, county and State taxes shall be elected by the qualified electors of the district, county or town in which the property taxed for State, county or town purposes is situated.”

Carried.

REPORTS.

Mr. Hardy, Chairman of the Committee on Mines, made the following report :

MR. PRESIDENT : The Committee on Mines report back Senate Bill No. 380, with a recommendation that it pass.

HARDY, Chairman.

Mr. Heacock, Chairman of the Committee on Mileage, reported as follows :

MR. PRESIDENT : Your Committee on Mileage, to whom was referred Senate resolution relative to allowing the members of the Senate Hospital Committee the sum of thirty dollars each, additional to the amount heretofore allowed them as mileage, on account of “error” in the former report of your committee relative thereto, have had the same under consideration, and beg leave to report as follows :

By the former report of your committee, referred to in the resolution, the Hospital Committee members were each allowed mileage as follows :

Number of Miles.	Amount.
For visiting Industrial School, eight miles beyond San Francisco, 250 miles (going and returning), at twenty cents per mile.	\$50 00
For visiting State Reform School, eight miles beyond Marysville, 116 miles (going and returning), at twenty cents per mile.....	23 20
For visiting Insane Asylum, at Stockton, 90 miles (going and returning), at twenty cents per mile.....	18 00
Total.....	\$91 20

In accordance with the former report, which has been allowed to each member of the Hospital Committee, the same being the exact mileage allowed by law.

But since the Hospital Committee visited the Insane Asylum at Stockton, going and returning thence from San Francisco, instead of from the seat of government, they claim the additional mileage by reason of having travelled such route.

The law fixes the distance from San Francisco to Stockton at one hundred and seventeen miles, making a total (going and returning) of two hundred and thirty-four miles thus travelled by the committee, which at twenty cents per mile would amount to forty-six dollars and eighty cents; but as mileage has already been allowed them for visiting Stockton for the sum of eighteen dollars, the same being for the distance fixed by law, this latter amount should be deducted from the forty-six dollars and eighty cents, leaving the sum of twenty-eight dollars and eighty cents as the balance due each member of the committee, if the Senate concludes that the committee should be allowed mileage for the distance actually travelled, instead of the legal distances fixed by law.

The Senate having already established such a rule, your committee recommend the adoption of the following resolution:

Resolved, That Messrs. Teegarden, Maclay, Perley, Johnson and McDougall be each allowed for mileage, the sum of twenty-eight dollars and eighty cents, payable out of the Contingent Fund of the Senate, and that the State Controller draw his warrants therefor upon the State Treasurer, and that the Treasurer pay the same.

Resolved, That Senators Teegarden, Perley, Johnson, McDougall and Maclay be allowed and paid thirty dollars, it being the amount of "error" of one hundred and fifty miles in the mileage allowed said Senators yesterday; the distance travelled by them being six hundred miles instead of four hundred and fifty, as then computed.

HEACOCK, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 339—An Act to authorize the establishment of a Board

of Health in the City of Sacramento—having had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 36—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juana Castro, deceased, to sell certain real estate of said infant heirs—report the same back with amendments and recommend its passage as amended.

Also, Senate Bill No. 103—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, passed April twenty-fifth, eighteen hundred and sixty-two—report the same back without recommendation.

Also, Senate Bill No. 114—An Act to punish fruit thieves and for the protection of fruit, ornamental trees, shrubbery and vegetable products—report the same back with a substitute and recommend the adoption of the substitute.

Also, Assembly substitute for Senate Bill No. 2—An Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—report the same back and recommend that the Senate do not concur in the substitute.

Also, substitute for Assembly Bill No. 109—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—report the same back and recommend that it be indefinitely postponed.

Also, Senate Bill No. 406—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—report the same back with an amendment and recommend its passage as amended.

Also, Senate Bill No. 279—An Act amendatory of and supplemental to an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto—report the same back with an amendment and recommend its passage as amended.

BELDEN, Chairman.

Mr. Murch, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness;

Also, Senate Bill No. 269—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims;

Also, Senate Concurrent Resolution No. 46, relative to a mail route from Latrobe to Ione City;

Also, Senate Concurrent Resolution No. 48, relative to a mail route from Trinity Centre to Sawyer's Bar;

Also, Senate Concurrent Resolution No. 53, relative to the San Diego and Gila, Southern Atlantic and Pacific Railroad;

And this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

And the committee have examined and find correctly enrolled, Senate Concurrent Resolution No. 59, relative to purchasing two copies of the picture known as "First in Peace."

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 309—An Act to incorporate the Town of Santa Clara.

Also, substitute for Senate Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco.

Also, Senate Concurrent Resolution No. 56—Memorial to Congress on the claims of J. M. Hutchings and J. C. Lamon.

WADSWORTH, Chairman.

Mr. Robinson, Chairman of the Committee on Education, made the following report:

MR. PRESIDENT: The Committee on Education, to whom was referred Assembly Bill No. 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools—have considered the bill and recommend its passage.

They have also considered Senate Bill No. 272—An Act to incorporate the Academy of the Sisters of Notre Dame in the City of Marysville—and recommend that it be indefinitely postponed.

ROBINSON, Chairman.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 392—An Act to authorize J. H. Marston, his associates and assigns, to construct and maintain a wharf in the County of Solano—have had the same under consideration, report it back and recommend its passage.

MIZNER, Chairman.

Mr. Mizner also submitted a lengthy report from the Committee on Commerce and Navigation relative to a substitute for Senate Bill No. 337.

The report and bill were ordered printed, and made the special order for Saturday, March seventh, eighteen hundred and sixty-eight, at two o'clock P. M.

[For report, see Appendix.]

Mr. Pratt, Chairman of the Committee on Corporations, presented the following report:

MR. PRESIDENT: Your Committee on Corporations have considered Senate Bills Nos. 375 and 376, relative to bonds of the City and County of Los Angeles for railroad purposes;

Also, Senate Bill No. 325—An Act to punish disobedience of orders by employes on railroads in this State;

Also, Senate Bill No. 356—An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three;

Also, Assembly Bill No. 412—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one;

And report the same back with recommendation that they do pass.

Also, Assembly Bill No. 329—An Act to incorporate the Santa Cruz Savings Bank—and report the same back and recommend its indefinite postponement.

Also, Senate Bill No. 372—An Act to amend section fifty-four of an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—and report the same back without recommendation.

PRATT, Chairman.

On motion, Senate Bill No. 372, above reported, was returned to the San Francisco delegation.

Mr. Pratt verbally reported Senate Bill No. 382—An Act to provide for a horse railroad within the County of Santa Clara—recommending its reference to the Senator from Santa Clara.

The bill was so referred.

The hour of twelve o'clock M. having arrived, the time fixed for the consideration of the general file (the special order), on motion of Mr. Belden the consideration thereof was postponed until the regular order of business shall have been gone through with.

Mr. Ewer verbally reported recommending the passage of Senate Bill No. 417—An Act for the relief J. S. Downs.

On motion of Mr. Ewer the rules were suspended, bill considered engrossed, read third time and passed.

The rules were further suspended, and the bill and an accompanying petition were immediately transmitted to the Assembly.

Mr. Rose verbally reported recommending the passage of Senate Bill No. 420—An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador and to prescribe the manner of paying the same.

MESSAGE FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,
March 5th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed Senate Bill No. 153—An Act concerning insane convicts at the State Prison.

Also, Senate Bill No. 314—An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, with amendment, Senate Bill No. 307—An Act granting leave of absence to George H. Whitman, District Attorney of Mono County.

Also, Assembly Bill No. 84—An Act to authorize and empower E. H. Schwatka, of Siskiyou County, to take from the State Prison at San Quentin, a number of State Prison convicts, not exceeding one hundred, for the purpose of constructing roads along and over the mountains of Siskiyou, Klamath, Del Norte and Humboldt Counties, and to provide for their care and support.

Also, Assembly Bill No. 401—An Act to provide for the improvement of that part of the Carson River situated in Alpine County.

Also, Assembly Bill No. 295—An Act concerning the Independent Order of Benai Brith (Sons of the Covenant).

Also, Senate Bill No. 291—An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California.

Also, Assembly Bill No. 306—An Act granting to the City of Monterey the title to the water front to said city in the Bay of Monterey.

Also, Senate Bill No. 94—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals.

Also, Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress.

Also, Assembly Bill No. 450—An Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine.

Also, Assembly Bill No. 232—An Act to amend section three hundred and thirty-seven of the Civil Practice Act in relation to the mode of making appeals.

Also, Assembly Bill No. 244—An Act supplemental to an Act to authorize married women to execute powers of attorney, approved April thirteenth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 253—An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington.

Also, Assembly Bill No. 269—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Also, on March second, passed Assembly Bill No. 476—An Act to provide for the removal of dead animals in the City and County of San Francisco.

Also, on March fourth, substitute for Assembly Bill No. 348—An Act to authorize Antonio Georgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands included in tide land survey number eighty-two, Alameda County.

Also, Assembly Bill No. 356—An Act declaring navigable a certain creek in sections thirty-five and thirty-six, township three south, range three west, Mount Diablo meridian.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 295, above reported, was read first and second times and referred to the Committee on Public Morals.

Assembly Bill No. 269, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 244, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 232, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 253, above reported, was read first and second times and referred to Committee on Claims.

Assembly Bill No. 450, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 306, above reported, was read first and second times and referred to Committee on Commerce and Navigation.

Assembly Bill No. 401, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 348, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 356, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 84, above reported, was read first and second times and referred to the Committee on State Prison.

Assembly Bill No. 476, above reported, was read first and second times and referred to San Francisco delegation.

Senate Bill No. 94 was returned to Assembly message.

The Senate concurred in the Assembly amendments to Senate Bill No. 307, above reported.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without previous notice, as follows:

By Mr. Teegarden—An Act to provide for the appointment of Deputy Constables.

Read first and second times and referred to the Judiciary Committee.

By Mr. Green—An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. Tweed (by request)—An Act authorizing J. L. Jones, William Hollis, William H. Smith, William C. Parsons and others to build a wharf adjoining their lands in the "Central Park Homestead Association," said lands lying in a southeasterly direction from Islais Creek, in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Lawrence—An Act to provide for the construction of a wagon road connecting the Mariposa Big Tree Grove with the Yosemite Valley.

Read first and second times and referred to the Committee on Finance.

By Mr. Belden—An Act for correcting omissions and defects in assessments.

Read first and second times and placed on file.

By Mr. Mizner—A concurrent resolution relative to granting leave of absence to W. J. Costigan, County Clerk of Solano County.

Read first and second times and placed on file.

The rules were suspended, and Mr. Mizner had leave to introduce the following resolution:

Resolved, That the Committee on Corporations, and Commerce and Navigation, jointly, be allowed a clerk, who shall receive the compensation allowed to a Committee Clerk, payable out of the Contingent Fund of the Senate.

Adopted.

On motion of Mr. Belden, all the petitions relative to the reduction of fare and freight on the Central Pacific Railroad were taken from the table and referred to the Committee on Corporations.

On motion of Mr. McDougall, Assembly Bill No. 255 was taken from the table and placed on file for to-morrow.

On motion of Mr. Johnson, the amendments offered to the Standing Rules of the Senate by Messrs. Roberts and himself were taken from unfinished business and placed on top of the file for to-morrow.

MOTIONS AND RESOLUTIONS.

Mr. Shaw offered a proposed amendment to the Standing Rules of the Senate, which, under the rules, was laid over one day.

Mr. Mizner offered the following resolution:

Resolved, That the Committee on Corporations be authorized to appoint a suitable person to serve subpoenas for the attendance of witnesses before the committee.

Adopted.

GENERAL FILE.

Senate Concurrent Resolution No. 13—Proposed amendments to the Constitution of the State of California.

The resolution was amended.

On ordering the resolution engrossed, Messrs. Roberts, Conn and Rose demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Belden, Bradley, Chappell, Conly, Ewer, Hager, Hardy, Heacock, Johnson, Maclay, Mizner, Murch, Pendegast, Perley, Robinson, Tweed, Wadsworth—17.

NOES—Messrs. Conn, Curtis, Hunter, Lawrence, Mandeville, McDougall, Roberts, Rose, Saunders, Shaw—10.

So the resolution was ordered engrossed.

Mr. Robinson offered the following substitute for section three:

"Section 3. The right of trial by jury shall be secured to all and remain inviolate forever; but the Legislature may by law provide that a number, not less than three fourths, of the jury shall be competent to render a verdict in both civil and criminal cases. A jury trial may be waived by the parties, in all civil cases and in all cases of misdemeanor, in the manner to be prescribed by law."

Lost.

Mr. Mandeville in the chair.

The Senate took up the motion to reconsider the vote by which the Senate, on yesterday, ordered Senate Bill No. 56 to engrossment.

Mr. Rose moved a call of the Senate.

Lost.

On reconsidering the vote above referred to, the ayes and noes were demanded by Messrs. Belden, Tweed and Rose.

The vote was as follows :

AYES—Messrs. Belden, Conn, Curtis, Freeman, Hager, Hunter, Maclay, Mandeville, McDougall, Pendegast, Perley, Rose, Teegarden—13.

NOES—Messrs. Beach, Bradley, Conly, Ewer, Hardy, Heacock, Johnson, Mizner, Morrill, Murch, Pratt, Roberts, Tubbs, Tweed, Wadsworth, Wolcott—16.

So the Senate refused to reconsider.

GENERAL FILE RESUMED.

Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo.

Read a third time and passed.

Senate substitute for Assembly Bill No. 239—An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots.

Read a third time and passed.

Assembly Bill No. 180—An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of —, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 200—An Act to amend an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-two, and all Acts amendatory thereof and supplementary thereto.

Read a third time and passed.

Assembly Bill No. 332—An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisors in the County of San Diego.

Read a third time and passed.

Assembly Bill No. 305—An Act concerning warrants applicable to the County of Mendocino.

Read a third time and passed.

Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, eighteen hundred and fifty, and the several Acts amendatory thereto.

Read a third time and passed.

Assembly Bill No. 299—An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

Read a third time and passed.

Assembly Bill No. 420—An Act to fix the compensation of the Board of Supervisors of Tulare County.

Amendments concurred in, read a third time and passed.

Assembly Bill No. 389—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six.

Amendments concurred in, read a third time and passed.

Substitute for Assembly Bill No. 262—An Act to amend an Act entitled an Act to establish a Paid Fire Department for the City and County

of San Francisco, approved March second, eighteen hundred and sixty-six.

Amendments concurred in, read a third time and passed.

Assembly Bill No. 345—An Act to provide for the payment of assessments against the property of the Government of the United States, for street improvements in the City and County of San Francisco.

Amendments concurred in, read a third time and passed.

Senate Bill No. 446 was passed on file.

The resolution concerning Congress and the President of the United States was withdrawn at the request of the author.

Senate Bill No. 206—An Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, eighteen hundred and fifty-six, and for other purposes.

Mr. Tubbs moved to indefinitely postpone the bill.

Messrs. Hager, Shaw and Murch demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Chappell, Conly, Curtis, Freeman, Green, Hardy, Heacock, Hunter, Maclay, Mizner, Morrill, Pendegast, Perley, Roberts, Rose, Saunders, Wolcott—19.

NOES—Messrs. Conn, Johnson, Lawrence, Mandeville, McDougall, Murch, Robinson, Shaw, Teegarden, Tubbs, Wadsworth—11.

So the motion prevailed.

Senate Bill No. 276—An Act to allow salaries to the members of the Board of Supervisors of the City and County of San Francisco.

Amended and ordered engrossed.

Senate Bill No. 180—An Act for the better government of the State Prison and to relieve the Lieutenant-Governor from the duty of prison keeper.

On the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Shaw, Conn and Chappell.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tweed, Wadsworth, Wolcott—19.

NOES—Messrs. Conn, Freeman, Hager, Johnson, Lawrence, Maclay, Morrill, Rose, Saunders, Shaw—10.

So the motion was indefinitely postponed.

Senate Bill No. 347—An Act amendatory of and supplementary to an Act entitled an Act concerning the officers of Calaveras County and the collection of poll taxes, license taxes and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine.

Rules suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 355—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company,

and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund a part of the debt of said County of Solano and other matters relating to said railroad company.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 220—An Act to legalize acknowledgments of deeds of husband and wife taken before and certified by County Clerks.

Amended, read third time and passed.

Senate Bill No. 319—An Act granting to certain parties the right to construct and maintain a turnpike and gravel road within the County of San Joaquin.

Laid on the table.

Assembly Bill No. 157—An Act concerning county records of Los Angeles County.

Indefinitely postponed.

Assembly Bill No. 62—An Act for the relief of James P. McFarland and his assigns.

Read third time and passed.

Assembly Bill No. 193—An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara.

Amendments concurred in, read a third time and passed, and title amended so as to read "An Act authorizing the building of a railroad to Santa Clara, in Santa Clara County."

Senate Bill No. 226—An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill in the City and County of San Francisco, etc.

Ordered engrossed.

Senate Bill No. 250 was passed on file.

Senate Bill No. 83 was passed on file.

Senate Bill No. 178—An Act to carry out the provisions of an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six.

Substitute adopted, rules suspended, bill considered engrossed, read a third time and passed.

The rules were suspended, and Mr. Teegarden had leave to introduce the following resolution :

Resolved, That the Governor be requested to return to the Senate Senate Bill No. 147.

Adopted.

Senate Bill No. 243—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners.

Placed on top of file for to-morrow.

On motion of Mr. Heacock, at five o'clock P. M., the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Friday, March 6th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. T. H. B. Anderson.

Journal of yesterday read.

Mr. Mizner moved that the Secretary be instructed to state the fact in the Journal, that on yesterday the Committee on Commerce and Navigation reported back Senate Bill No. 185 and recommended its passage.

The amendment was ordered and the Journal approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Green—Of citizens of Marin County, praying an appropriation of money for the St. Vincent Male Orphan Asylum.

Read and referred to the Committee on Finance.

By Mr. Mandeville—Of citizens of Township Number Two, Tuolumne County, relative to animals running at large.

Read and referred to the Committee on Agriculture.

REPORTS.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff and issue certificates of title to the inhabitants of said town in accordance with their respective interests;

Also, Senate Bill No. 150—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty;

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses

and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four;

And this day, at ten o'clock and forty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 349—An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplementary thereto—having had the same under consideration, report it back without amendments and recommend its passage.

Also, Senate Bill No. 192—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto—report the same back without amendments and recommend its passage.

BELDEN, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT: Your Committee on Corporations having had under consideration the following bills, report thereon as follows:

Assembly Bill No. 429—An Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, and amended April thirteenth, eighteen hundred and fifty-five—and recommend its passage.

Also, Assembly Bill No. 200—An Act to authorize the City Council of Oakland to purchase land and erect a City Hall and to issue bonds of said city, and provide for the payment of the same—and recommend its passage.

Also, Senate Bill No. 305—An Act supplemental to and amendatory of an Act entitled an Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company and to provide payment of the same, and other matters relating thereto, approved February thirteenth, eighteen hundred and sixty-six—and report the same back without recommendation.

Also, Senate Bill No. 424—An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four—and recommend its passage.

PRATT, Chairman.

On motion of Mr. Conn, the rules were suspended and Assembly Bill No. 429, above reported, was taken up.

The rules were further suspended, the bill considered engrossed, read a third time and passed.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 403—An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 343—An Act to amend an Act entitled an Act to authorize the formation of corporations for the construction of plank or turnpike roads.

Also, substitute for Senate Bill No. 23—An Act granting certain rights and water privileges to the California Dry Dock Company.

Also, Senate Bill No. 337—An Act to appropriate money for the formation of a library for the instruction and use of the convicts in the State Prison.

Also, Senate Bill No. 274—Proposed amendment to the Constitution.

Also, Senate Concurrent Resolution No. 11—Proposed amendments to the Constitution of the State of California.

Also, Senate Concurrent Resolution No. 20—Proposed amendments to the Constitution of the State of California.

Also, Senate Concurrent Resolution No. 21—Proposed amendment to the Constitution of the State of California.

WADSWORTH, Chairman.

Mr. Maclay, from the Santa Clara delegation, made the following report :

MR. PRESIDENT: The Santa Clara delegation, to whom was referred an Act to provide for a horse railroad within the County of Santa Clara, have considered the same and report it back with a substitute, and recommend the passage of the substitute.

MACLAY, for Delegation.

Mr. Beach, from the Yuba and Sutter delegations, made the following report :

MR. PRESIDENT: The Yuba and Sutter delegations, to whom was referred Assembly substitute for Senate Bill No. 172, have made an amendment thereto and recommend the adoption and passage of the substitute as amended.

BEACH, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 5th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 112—An Act authorizing the construction of a wharf in the Bay of Monterey.

Also, Senate Bill No. 163—An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco.

Also, Senate Bill No. 280—An Act to amend an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
March 6th, 1868. }

Mr. PRESIDENT: The Assembly on this day passed substitute for Senate Bill No. 306—An Act to authorize the Board of State Prison Directors to recommend the pardon of convicts in the State Prison.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 5th, 1868. }

Mr. PRESIDENT: The Assembly on yesterday passed, under a suspension of the rules, substitute for Assembly Bill No. 127—An Act to fix and determine the boundary line between the Counties of San Mateo and Santa Cruz.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 127, above reported, was read first and second times and referred to the Santa Cruz and San Mateo delegation.

REPORT.

The rules were suspended for the introduction of the following:

Mr. Ewer, Chairman of the Committee on Claims, made the following report :

Mr. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 320—An Act to provide for the payment of the State's portion of the County Auditor's salary in the County of Trinity;

Also, Assembly Bill No. 211—An Act to provide for the payment of the State's portion of the salary of County Auditor of Alameda County;

Also, Assembly Bill No. 78—An Act to provide for the payment of the State's proportionate part of the County Auditor's salary in the County of Sutter;

Also, a petition from the County Auditor of Yuba County;

Having had the same under consideration, herewith report a general substitute bill to cover the whole subject matter, and recommend the passage of the substitute.

Also, having had under consideration, Senate Bill No. 299—An Act for

the relief of David Kohn—report the same back with an amendment, and without recommendation.

The bill provides for the payment to Mr. Kohn of the sum of ten thousand four hundred and fifty dollars worth of fraudulent soldiers' bounty and relief claims, forged by one M. E. Gelston, who was at the time a clerk in the office of the Adjutant-General of this State. Your committee have amended the bill by reducing the amount claimed to five thousand seven hundred and fifty dollars, that being the amount which passed the State Board of Examiners and were certified by them.

Your committee are of opinion that some equities attach to this case on the part of Kohn, who purchased a portion of these claims after they had passed the State Board of Examiners, and bore upon their face every appearance of genuineness and regularity. At the same time, believing that no claim for damages sustained by forgery is really a binding or obligatory one upon the State, your committee have thought proper to report the bill back without any recommendation, and leave the Senate to decide upon the merits of the case.

EWER, Chairman.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Conn—An Act to provide for the government of the County of San Diego.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Mizner—An Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-fifth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

Also, an Act concerning legal advertisements.

Read first and second times and referred to the Judiciary Committee.

By Mr. Roberts—An Act to authorize and empower the incorporate towns in this State to hold and convey certain lands.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in the State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Curtis—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Corporations.

By Mr. Pearce—An Act to authorize William Bihler to construct a wharf on the Petaluma Creek.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Wadsworth—An Act to amend an Act entitled an Act to pro-

vide for the indigent sick in the counties of this State, approved April eleventh, eighteen hundred and fifty-five.

Read first and second times and referred to Committee on State and County Hospitals.

RESOLUTION.

Mr. Robinson introduced the following resolution :

Resolved, That the San Francisco delegation be requested to report back immediately Assembly Bill No. 87.

Adopted.

GENERAL FILE.

The time fixed (twelve o'clock M.) for the consideration of the general file being announced, the Senate took up, first in order, proposed amendment to Rule No. 1 of the Standing Rules of the Senate, changing the time for convening the Senate, from eleven to ten o'clock A. M.

Mr. Mandeville offered the following amendment: Amend by adding:

"And at twelve o'clock at night of Saturday the Senate shall be adjourned by the President."

Lost.

Mr. Lewis moved to lay the motion on the table.

Messrs. Johnson, Green and Heacock demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Conly, Curtis, Freeman, Green, Hager, Heacock, Lawrence, Lewis, Maclay, Mizner, Murch, Murphy, Pearce, Pendegast, Robinson, Rose, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—24.

NOES—Messrs. Chappell, Conn, Ewer, Hardy, Hunter, Johnson, Mandeville, McDougall, Morrill, Perley, Roberts—11.

So the motion was carried.

Proposed addition to the Standing Rules of the Senate, relative to taking a daily recess from one to two o'clock P. M., etc., on motion of Mr. Lewis, was laid on the table.

A proposed amendment to the Standing Rules of the Senate, authorizing a daily recess at one o'clock for half an hour, was laid on the table.

An additional rule—Rule fifty-two of the Standing Rules of the Senate—requiring members on introducing bills, etc., to give a brief statement of the contents and meaning, etc., was laid on the table.

REPORT.

The rules were suspended, and Mr. Mizner had leave to make the following report:

MR. PRESIDENT: Your Committee on Commerce and Navigation, having had under consideration Senate Bill No. 248—An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco—respectfully report the same back with a substitute.

They recommend the passage of the substitute, and that the same be printed under the supervision of the committee.

MIZNER, Chairman.

On motion of Mr. Mizner, the bill above reported was ordered printed, as recommended in the report.

GENERAL FILE RESUMED.

Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners.

Amendments of committee adopted.

Mr. Hager offered the following amendment. Amend by adding this section :

"Section 5. B. S. Alexander, George H. Elliot and Calvin Brown are hereby appointed and constituted honorary and advisory engineers to the State Harbor Commissioners in the construction of a seawall along the water front of the City of San Francisco. They, and each of them, shall have authority to attend the meetings of said Harbor Commissioners, to examine the archives and papers belonging to the office, and to advise said Commissioners in awarding contracts for and in the construction of such seawall; and may, if it be deemed advisable, report to the Governor or to the Legislature of this State, if in session, and give such information as the public interests may require."

Lost.

The bill was then ordered engrossed.

Senate Bill No. 232—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Mr. Mizner (President pro tem.) in the chair.

Senate Bill No. 322—An Act to authorize John S. Kimball and his assigns to construct two more or chutes at or near the mouth of Salmon Creek, and to collect tolls for the use of the same.

Ordered engrossed.

On motion of Mr. Mizner, the vote ordering the bill to engrossment was reconsidered.

The rules were then suspended, and the bill considered engrossed, read a third time and passed.

Senate Bill No. 332—An Act to repeal an Act entitled an Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 374—An Act for the relief of the North American Steamship Company.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 245—An Act to authorize the extension and maintenance of a wharf at Muddy Creek in the County of Santa Clara.

Amendments adopted; rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 28—An Act to appropriate money to pay Bond No. 34,

issued by authority of an Act of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Johnson, Mandeville and Conly.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Green, Heacock, Mizner, Morrill, Murphy, Rose—13.

NOES—Messrs. Conly, Hardy, Hunter, Johnson, Mandeville, McDougall, Pearce, Roberts, Teegarden, Tweed, Wadsworth, Wolcott—12.

So the bill was ordered engrossed.

Senate Bill No. 141 was passed on file.

Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire, in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

Read third time and passed.

Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco.

Read third time and passed.

Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Read third time and passed.

Senate Bill No. 320—An Act for the encouragement of silk culture in this State.

Read third time and passed.

Senate Bill No. 224 was laid on the table.

Senate Bill No. 308—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same.

On the passage of the bill, Messrs. Pearce, Roberts and Bradley demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conly, Green, Heacock, Hunter, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Perley, Rose—12.

NOES—Messrs. Belden, Bradley, Ewer, Hager, Pearce, Pratt, Roberts, Robinson, Tubbs, Tweed, Wadsworth, Wolcott—12.

There being a tie, the President, in the exercise of his constitutional privilege, voted in the affirmative, and so the bill passed.

Mr. Johnson gave notice of a motion to reconsider the vote.

President in the chair.

Senate Bill No 215—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read third time and passed.

Senate Bill No. 285—An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four.

Read third time and passed.

Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

Placed on top of file for Tuesday, March ninth, at two o'clock P. M.

SPECIAL ORDER.

The Senate took up the special order of the day:

Senate Bill No. 334—An Act creating the office of Insurance Commissioner and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks as securities for transacting business in this State.

Senate Bill No. 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California.

Mr. Tweed moved to postpone the consideration of the bills and make them the special order for Tuesday, March ninth, eighteen hundred and sixty-eight, at two o'clock P. M.

Lost.

The consideration of Senate Bill No. 334, being first in the order, it was amended.

On ordering the bill engrossed, Messrs. Conn, Mandeville and Hunter demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conly, Freeman, Green, Hager, Hardy, Johnson, Lawrence, Maclay, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Rose, Saunders, Teegarden, Tubbs—22.

NOES—Messrs. Bradley, Conn, Ewer, Heacock, Hunter, Lewis, Mandeville, McDougall, Pearce, Roberts, Robinson, Tweed, Wolcott—13.

So the bill was ordered engrossed.

Mr. Lewis in the chair.

The consideration of Senate Bill No. 335, being next in the order, it was amended and ordered engrossed.

Mr. Johnson gave notice of a motion to reconsider the vote so ordering.

Mr. Rose gave notice that on to-morrow he would move a reconsideration the votes just taken.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 355—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company and to provide for the payment of the same and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund a part of the debt of said County of Solano, and other matters relating to said railroad company.

WADSWORTH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, substitute for Senate Bill No. 306—An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison;

Also, Senate Bill No. 417—An Act for the relief of J. S. Downs;

And this day, at three o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Green introduced a concurrent resolution, requesting the Governor to return to the Senate, Senate Bill No. 306.

Adopted, and ordered transmitted immediately to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }
March 6th, 1868. }

Mr. PRESIDENT: The Assembly this day amended and passed Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years ending on the thirtieth day of June, eighteen hundred and sixty-eight.

J. A. EAGAN, Clerk.

ASSEMBLY CHAMBER, }
March 6th, 1868. }

Mr. PRESIDENT: The Assembly on this day passed Senate Bill No. 417, An Act for the relief of J. S. Downs.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in the first amendment by the Assembly to Senate Bill No. 288, above reported.

On the question of concurring in the second amendment thereto, the ayes and noes were demanded by Messrs. Rose, Mandeville and Lawrence.

The vote was as follows:

AYES—Messrs. Ewer, Freeman, Hunter, Johnson, Kincaid, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose—12.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Hardy, Heacock, Mizner, Murch, Pearce, Perley, Roberts, Robinson, Tubbs, Wadsworth, Wolcott—16.

So the Senate refused to concur.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

WADSWORTH, Chairman.

GENERAL FILE RESUMED.

Assembly Bill No. 383—An Act to amend an Act entitled an Act to provide for the election of Township Assessors in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four.

Read a third time and passed.

On motion of Mr. McDougall, Assembly Bill No. 255 was taken from the table and placed on file for to-morrow.

Senate Bill No. 340—An Act supplementary to and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.

The rules were suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 344—An Act to authorize the issuance of duplicate school land warrants to Merritt Harden and William Platt.

Substitute reported adopted; rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Robinson, the vote whereby the Senate this day passed Assembly Bill No. 383 was reconsidered.

The bill was again read a third time and passed.

On motion of Mr. Hardy, at five o'clock P. M. the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, March 7th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Johnson, in accordance with his notice of yesterday, moved a reconsideration of the vote whereby the Senate, on yesterday, passed Senate Bill No. 308.

Mr. Roberts moved to make the motion for a reconsideration of the

vote the special order for Tuesday, March tenth, eighteen hundred and sixty-eight, at two o'clock P. M.

Lost.

Mr. Johnson moved to make his motion for a reconsideration of the vote aforesaid the special order for to-day at three o'clock P. M.

Lost.

On reconsidering the vote had on the passage of the bill on yesterday, Messrs. Johnson, Murphy and Maclay demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Hager, Johnson, Murphy, Pearce, Roberts, Saunders, Tubbs, Wadsworth, Wolcott—11.

NOES—Messrs. Beach, Chappell, Corly, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Lawrence, Lewis, Maclay, Mandeville, Morrill, Pendergast, Perley, Pratt, Rose, Teegarden—19.

So the Senate refused to reconsider.

REPORTS.

Mr. Green, from the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 421—An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain lands in the County of San Mateo—has had the same under consideration and respectfully recommend that it be committed to the Committee on Commerce and Navigation.

GREEN, for Committee.

Mr. Heacock, Chairman of the Committee on Mileage, made a report on the resolution referred to the Committee, relative to the per diem and mileage of the Clerk (L. Hubbard) of the Senate Hospital Committee, reported the same back with a substitute, recommending the adoption of the substitute.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, passed April fourth, eighteen hundred and sixty-four ;

Also, Senate Bill No. 202—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six ;

Also, Senate Bill No. 51—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three ;

Also, Senate Bill No. 238—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano;

And this day, at ten o'clock and forty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Ewer, Chairman of the Committee on Claims, made the following report:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 263—An Act for the relief of J. D. Patterson—have had the same under consideration and report it back without recommendation.

Also, Senate Bill No. 365—An Act to appropriate money to pay the expense of resisting the authorities of the State of Nevada by the officers of Plumas County, in the year eighteen hundred and sixty-three—report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 398—An Act for the relief of J. R. De la Guerra—and recommend its passage.

Also, Senate Bill No. 321—An Act for the relief of John Hassinger—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 404—An Act for the relief of Robert M. Folger—and recommend that it be referred to the Alpine delegation.

EWER, Chairman.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: Your Committee on Commerce and Navigation, having had under consideration Assembly Bill No. 190—An Act granting to William W. Waddell and his assigns, the right to maintain a wharf and railroad in Santa Cruz County—and having made two amendments thereto, report the same back and recommend its passage as amended.

Also, Assembly Bill No. 306—An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey—and having made one amendment thereto, report the same back and recommend its passage as amended.

MIZNER, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—having had the same under consideration, report the bill back without amendments and recommend its passage.

Also, Senate Bill No. 146—An Act to furnish the public streets and highways with shade trees—report the same back with a substitute and recommend the adoption of the substitute.

Also, Senate Bill No. 204—An Act to amend an Act entitled an Act

relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six—report the same back with a substitute and recommend the adoption of the substitute.

Also, Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty—report the same back and recommend that the Senate do not recede from its amendments, and ask that a Committee of Conference be appointed.

Also, Assembly Bill No. 173—An Act to create the Seventeenth Judicial District—report the same back and recommend its passage.

Also, Assembly Bill No. 298—An Act to grant to certain parties herein named the right to construct and maintain a turnpike or toll road from or near the Town of Millerton, Fresno County, to Crane Valley—report the same back and recommend that it be indefinitely postponed.

BELDEN, Chairman.

Mr. Rose, pursuant to notice, moved a reconsideration of the vote whereby the Senate on yesterday ordered to engrossment Senate Bill No. 334—An Act creating the office of Insurance Commissioner.

Messrs. Johnson, Wolcott and Roberts demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Bradley, Conn, Ewer, Hunter, Johnson, Lewis, Mandeville, McDougall, Pearce, Roberts, Robinson, Tweed, Wolcott—13.

NOES—Messrs. Beach, Belden, Chappell, Conly, Freeman, Green, Hager, Hardy, Maclay, Mizner, Morrill, Murch, Pendegast, Perley, Pratt, Rose, Saunders, Teegarden, Tubbs, Wadsworth—20.

So the Senate refused to reconsider.

Mr. Rose, pursuant to notice, also moved a reconsideration of the vote whereby the Senate on yesterday ordered to engrossment Senate Bill No. 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California.

Messrs. Pearce, Murphy and Rose demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Bradley, Conn, Ewer, Heacock, Hunter, Johnson, Lewis, Mandeville, McDougall, Pearce, Tweed, Wolcott—12.

NOES—Messrs. Beach, Belden, Chappell, Conly, Freeman, Green, Hager, Hardy, Maclay, Morrill, Murch, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Teegarden, Tubbs, Wadsworth—21.

So the Senate refused.

On motion of Mr. Mandeville, Senate Bills Nos. 335 and 377 (special order for this day at two o'clock P. M.) were made the special order for Wednesday next at three o'clock P. M.

On motion of Mr. Hager, the Secretary of the Senate was directed to place all bills on their passage first on the file for each day.

The rules were suspended, and Mr. Conn had leave to make the following report:

Mr. PRESIDENT: By request of the delegation from Los Angeles, the Senator being absent, the following Assembly bills referred to the dele-

gation have been duly considered, viz: Assembly Bill No. 260—An Act authorizing Evert C. Evertson, or assigns, to remove remains of deceased persons from an abandoned graveyard in the City of Los Angeles. An Act empowering the Boards of Supervisors in the several counties of this State to authorize the removal of human remains, approved March second, eighteen hundred and sixty-three, makes ample provision for the purpose and there seems to be no necessity for the passage of this bill for the attainment of that object; furthermore, the second section of the bill under consideration proposes to grant to said Evertson and assigns, ten acres of land in the City of Los Angeles in consideration of his removing a few graves from said land, the policy of which seems at least doubtful. Your committee therefore recommend that the Bill No. 260 be indefinitely postponed.

Your committee have also duly considered Assembly Bill No. 354—An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for repairs of the banks of the Los Angeles River; to levy a tax for street improvements and for lighting the streets of said city with gas—and recommend its passage.

Also, Assembly Bill No. 447—An Act to re-district the County of Los Angeles and provide for the election of Supervisors—and recommend its passage.

CONN, for Delegation.

The rules were again suspended, and Mr. Pratt had leave to introduce the following resolution:

Resolved, That in all bills where the enacting clause has been omitted, the Engrossing Clerk insert such clause at the time of engrossment.

Adopted.

SPECIAL ORDER.

The time fixed, twelve o'clock M., for the consideration of the general file (the special order) being announced, the order was, on motion of Mr. Roberts, postponed until the order of business shall have been gone through with.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 334—An Act creating the office of Insurance Commissioner, and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks and security for transacting business in this State.

Also, Senate Bill No. 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California.

Also, Senate Bill No. 243—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Also, Senate Bill No. 347—An Act amendatory of and supplementary to an Act entitled an Act concerning the officers of Calaveras County and the collection of poll taxes, license taxes, and foreign miners' license

taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine.

Also, Senate Bill No. 366—An Act to provide for the payment of Mrs. E. Wright salary due her as teacher in Jefferson School District, No. 1, in San Mateo County.

Also, Senate Bill No. 367—An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County, approved January eleventh, eighteen hundred and sixty-six.

Also, Senate Bill No. 371—An Act to legalize certain evidences of indebtedness.

Also, Senate Bill No. 340—An Act supplementary to and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.

Also, Senate Bill No. 226—An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, etc.

Also, Senate Bill No. 85—An Act to extend a franchise heretofore granted to J. K. Hackett and Charles D. Judah to use and continue a wharf and to charge and collect wharfage.

Also, Senate Bill No. 232—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners

Also, Senate Bill No. 245—An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz.

Also, Senate Bill No. 322—An Act to authorize John S. Kimball and his assigns to construct two or more chutes at or near the mouth of Salmon Creek, in Mendocino County, and to collect tolls for the use of the same.

Also, Senate Bill No. 28—An Act to appropriate money to pay bond number thirty-four, issued by authority of an Act of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one.

Also, Senate Bill No. 374—An Act for the relief of the North American Steamship Company.

Also, Senate Bill No. 332—An Act to repeal an Act entitled an Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 257—Proposed amendments to the Constitution of the State of California.

Also, Senate Concurrent Resolution No. 13—Proposed amendment to the Constitution.

Also, substitute for Senate Bill No. 56—An Act to amend an Act concerning divorcees, passed March twenty-fifth, eighteen hundred and fifty-one.

Also, substitute for Senate Bill No. 344—An Act to amend an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, substitute for Senate Bill No. 178—An Act amendatory of and supplementary to an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims and records relating

thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

Mr. Tubbs, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back, and respectfully recommend it do not pass: Assembly Bill No. 87—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Port of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

TUBBS, for Delegation.

Mr. Saunders, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bills under consideration, report the same back and respectfully recommend their passage:

Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream—with an amendment.

Assembly Bill No. 328—An Act to provide for the protection of the Harbor of San Francisco.

Assembly Bill No. 192—An Act to provide for paving the streets in the City and County of San Francisco.

Assembly Bill No. 289—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Senate Bill No. 293, with amendments.

SAUNDERS, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 6th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 269—An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. PRESIDENT: The Assembly passed the following bills:

Senate Bill No. 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six.

On March second, Assembly Bill No. 454—An Act concerning roads and highways in the City and County of San Francisco.

Also, on twenty-ninth ultimo, Assembly Bill No. 445—An Act to amend section thirty-eight of an Act regulating elections.

Also, Assembly Bill No. 431—An Act concerning the ancient Jewish Order of Késber Shel Barsel.

Also, on second instant, Assembly Bill No. 443—An Act to give additional power to the Board of Supervisors of Santa Barbara County to levy a road tax.

Also, on sixth instant, Concurrent Resolution No. 49—Granting leave of absence to J. B. Carrington, Justice of the Peace.

Also, on second instant, Assembly Bill No. 418—An Act to lower the grade of Sansome street, from Broadway to Lombard streets, in San Francisco.

Also, Assembly Bill No. 197—An Act concerning the office of Recorder of the City and County of San Francisco.

Also, Assembly Bill No. 225—An Act concerning railroad companies in San Francisco.

Also, Assembly Bill No. 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey.

Also, with amendments, on fifth instant, Senate Bill No. 330—An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against the same.

Also, Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General.

Also, on sixth instant, Senate Concurrent Resolution No. 62—Requesting the Governor to send back Senate Bill No. 306.

Also, on twenty-eighth ultimo, Assembly Bill No. 201—Authorizing the Board of Supervisors of Humboldt County to issue bonds for fifty thousand dollars to build wagon roads.

Also, on fifth instant, Senate Bill No. 13—An Act to exempt certain property from execution. House receded from its amendments.

Also, on second instant, Assembly Bill No. 452—An Act to provide for dockets of the former Justices of the Peace of the City and County of San Francisco, etc.

Also, Assembly Bill No. 442—An Act amendatory of and supplementary to an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, and the Acts supplementary to and amendatory thereof.

Also, Assembly Bill No. 424—An Act to fix the salaries and compensation of the County Judge, District Attorney and County Treasurer of the County of Alpine.

Also, on fifth instant, Assembly Bill No. 369—An Act amendatory of and supplemental to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of

San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of the city and county, approved April twenty-seventh, eighteen hundred and sixty-three.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 442, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 452, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 369, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 197, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 418, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 424, above reported, was read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 411, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 225, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 431, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 443, above reported, was read first and second times and referred to the Santa Barbara and San Luis Obispo delegation.

Assembly Bill No. 445, above reported, was read first and second times and referred to the Committee on Elections.

Assembly Bill No. 454, above reported, was read first and second times and referred to the Sacramento delegation.

Assembly Concurrent Resolution No. 49, above reported, read and placed on file.

Assembly Bill No. 330 was returned to Assembly message.

Assembly Bill No. 201, above reported, was read first and second times and referred to the Humboldt delegation.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Rose—Proposed amendments to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee, with instructions to report at an early day, and ordered printed.

By Mr. Perley—An Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin.

Read first and second times; rules suspended, bill considered engrossed, read third time and passed.

By Mr. Mandeville—An Act to legalize and confirm the election of certain officers of the Town of Sonora, Tuolumne County, and other matters.

Read first and second times and referred to the Tuolumne delegation.

On motion of Mr. Ewer, Senate Bill No. 330 was taken from Assembly messages.

The Senate concurred in Assembly amendments to Senate Bill No. 330, above reported.

By Mr. Pearce—An Act to reincorporate the City of Petaluma.

Read first and second times and referred to the Sonoma delegation.

By Mr. Belden—An Act to provide for laying a special tax to construct a public school-house in Nevada School District, in the County of Nevada

Read first and second times; rules suspended, considered engrossed, read a third time and passed.

The rules were suspended, and Mr. Heacock had leave to introduce the following resolution:

Resolved, That when the Senate adjourns to-day, that it shall stand adjourned till Tuesday next, March tenth.

Lost.

By Mr. Rose—An Act to confer certain powers upon the Board of State Harbor Commissioners.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

GENERAL FILE.

On motion of Mr. Pendegast, Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses in Sacramento County—was taken up.

Reported amendments adopted, and bill read a third time and passed.

Leave of absence was granted to Messrs. McDougall, Murphy, Hardy and Maclay until Tuesday next.

INTRODUCTION OF BILLS.

The rules were suspended for the introduction of the following bills:

By Mr. Teegarden—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-seven.

Read first and second times and referred to the Judiciary Committee.

By Mr. Curtis—An Act to authorize payment for work done in Swamp Land District No. 2.

Read first and second times and, with memorial, referred to the Committee on Claims.

On motion of Mr. Mizner, Senate Bill No. 592—An Act to authorize J. H. Marston, his associates and assigns, to construct and maintain a wharf in the County of Solano—was taken from the file and recommitted to the Committee on Commerce and Navigation.

Senate Bill No. 129—An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara.

Read third time.

On the passage of the bill, Messrs. Freeman, Lawrence and Roberts demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Chappell, Conly, Curtis, Freeman, Green, Hager, Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Pendegast, Rose—16.

NOES—Messrs. Belden, Bradley, Ewer, Pearce, Roberts, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—11.

So the bill was passed.

Mr. Johnson gave notice of a motion for a reconsideration of the vote above.

Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco.

Read a third time and passed.

Substitute for Assembly Bill No. 79—An Act to authorize the County Judges and Probate Judges of this State to hold terms or parts of terms of the County Courts and Probate Courts in counties other than those for which they were respectively elected.

Read a third time and passed.

Senate Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco.

Read a third time and passed.

Senate Bill No. 337—An Act to appropriate money for the formation of a library for the instruction and use of the convicts in the State Prison.

Read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
March 7th, 1868. }

MR. PRESIDENT: The Assembly on this day refused to recede from its amendments to Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight—and appointed Messrs. Gildea, Davies and Augney as a Committee of Free Conference on the part of the House.

J. A. EAGAN,
Chief Clerk.

The Senate appointed Messrs. Ewer, Mandeville and Tubbs as a Committee of Free Conference on the part of the Senate to confer with the Committee above reported.

Mr. Johnson had leave to have his name recorded as voting against the passage of Senate Bill No. 129, and withdrew his motion for a reconsideration of the same.

Senate Bill No. 309—An Act to re-incorporate the Town of Santa Clara.

Read a third time and passed.

On motion of Mr. Mizner, Senate Bill No. 72 was placed on top of file for Wednesday next.

Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Placed second on file for Tuesday next.

Senate Bill No. 23 was temporarily passed on file.

Mr. Mandeville in the chair.

Senate Concurrent Resolution No. 21 was passed on file.

Senate Bill No. 343—An Act to amend an Act entitled an Act to authorize the formation of corporations for the construction of plank and turnpike roads.

Indefinitely postponed.

Senate Bill No. 356 (substitute for Senate Bills Nos. 24 and 156)—An Act to appropriate money to pay the outstanding Indian War bonds of the State of California issued since January, eighteen hundred and fifty-four, under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Ordered engrossed.

Senate Bill No. 351—An Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, and entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto.

Ordered engrossed.

Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

Ordered engrossed.

Senate Bill No. 155—An Act to provide for the payment of interpreters in the Courts of justice, in criminal cases, in San Mateo County.

Ordered engrossed.

Senate Bill No. 136—An Act to authorize Montgomery Godley, administrator, with the will annexed, of the estate of Charles G. McChesney, deceased, to sell certain lands belonging to the estate of said deceased.

Amendments of committee adopted.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 232—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 351—An Act to amend an Act to provide for the conveyance of mining claims, approved April thirteenth, eighteen hundred and sixty.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read third time and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 7th, 1868. }

To the Senate of the State of California :

I herewith return to your honorable body, in accordance with your request, Senate Bill No. 306—An Act to authorize the Board of State

Prison Directors to recommend the pardoning of convicts in the State Prison—for the purpose of correcting an error.

H. H. HAIGHT,
Governor.

Mr. Green offered the following resolution :

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and is hereby authorized to correct Substitute for Senate Bill No. 306—An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison—so that section two shall read as follows :

“Section 2. Whenever the Legislature shall, by a majority of both houses, recommend to the Governor that any or all of the persons named in the preceding section should be pardoned by him, he may pardon such convicts in accordance with such recommendation.”

Adopted by unanimous consent.

President in the chair.

Senate Bill No. 23—An Act granting certain rights and privileges to the California Dry Dock Company.

Amended by unanimous consent.

On the passage of the bill, Messrs. Johnson, Mizner and Green demanded the ayes and noes :

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Freeman, Green, Hager, Lawrence, Lewis, Mandeville, Mizner, Pearce, Perley, Pratt, Rose, Saunders, Tubbs, Tweed, Wolcott—18.

NOES—Messrs. Belden, Conn, Curtis, Ewer, Heacock, Hunter, Johnson, Morrill, Murch, Roberts, Teegarden, Wadsworth—12.

So the bill was passed.

Messrs. Hager and Mandeville gave notice of a motion for a reconsideration of the vote.

Senate Bill No. 290 was passed on the file.

Senate Bill No. 284—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and fifty-three.

Indefinitely postponed.

Senate Bill No. 338—An Act to prevent the spread of contagious diseases among cattle and stock.

Placed last on the file for Wednesday next.

Assembly Bill No. 293—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda.

Substitute adopted and amended.

On motion of Mr. Pearce, laid on the table.

Senate Bill No. 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

Mr. Wolcott moved to indefinitely postpone the bill.

Messrs. Wolcott, Perley and Rose demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Bradley, Chappell, Hager, Hunter, Lawrence, Mizner, Roberts, Tweed, Wadsworth, Wolcott—10.

NOES—Messrs. Belden, Conn, Curtis, Freeman, Heacock, Johnson, Morrill, Murch, Pearce, Perley, Rose, Saunders, Teegarden—13.

So the Senate refused.

On the adoption of the substitute, Messrs. Wolcott, Chappell and Bradley demanded the ayes and noes.

The vote was follows :

AYES—Messrs. Beach, Belden, Conn, Curtis, Freeman, Hager, Johnson, Mizner, Morrill, Murch, Pearce, Perley, Rose, Saunders, Teegarden—15.

NOES—Messrs. Bradley, Chappell, Hunter, Lawrence, Lewis, Roberts, Tweed, Wadsworth, Wolcott—9.

So the substitute was adopted.

On motion of Mr. Freeman, the substitute was amended by striking out "Fresno County."

The bill was then placed on top of file for Saturday, March fourteenth.

Mr. Rose moved to adjourn.

Lost.

Senate Bill No. 302 was passed on file.

Senate Bill No. 124—An Act to authorize the Treasurer to pay over certain moneys received from the sale of water property in the City of Benicia.

Substitute reported adopted.

Messrs. Johnson, Mizner and Green demanded the ayes and noes on ordering the bill engrossed.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conn, Freeman, Green, Hager, Heacock, Lawrence, Mizner, Murch, Roberts, Wadsworth—13.

NOES—Messrs. Belden, Hunter, Johnson, Lewis, Pearce, Perley, Rose, Saunders, Teegarden, Tweed—10.

So the bill was ordered engrossed.

On motion of Mr. Rose, at four o'clock and thirty minutes, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Monday, March 9th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. O. P. Fitzgerald.

Journal of Saturday, March seventh, was read and approved.
Mr. Pendegast had leave of absence for one day.

PETITIONS.

Petitions were presented, as follows :

By Mr. Heacock—Of citizens of Placer County, against the reduction of fare and freight on the Central Pacific Railroad.

Read and referred to the Committee on Corporations.

By Mr. Rose—Of citizens of Township Number Five, Amador County, praying exemption from a law known as the "Hog Law."

Read and laid on the table.

On motion of Mr. Lewis the rules were suspended, and Senate Bill No. 378—An Act to provide for the levying and collection of a special tax to be used in the construction of bridges in the County of Tehama—was taken up and Assembly amendments concurred in.

By Mr. Perley—Of citizens of San Joaquin County, praying for the repeal of the "Fence Law."

Read and referred to the Committee on Agriculture.

REPORTS.

Mr. Tubbs, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT: The Finance Committee, to whom was referred a message from the Honorable F. F. Low, late Governor of the State of California, relative to disbursements of the appropriation of money for contingent expenses of the Governor's office for the seventeenth and eighteenth fiscal years—have examined the same and find it correct.

Also, Senate Bill No. 426—An Act to provide for the construction of a wagon road connecting the Mariposa Big Tree Grove with the Yosemite Valley—report the same back and recommend it do not pass.

Also, Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California, and the publication thereof—report the same back without recommendation.

Also, Senate Bill No. 379—An Act to circulate information relative to the resources of the State of California—report the same back and recommend that it be indefinitely postponed.

Also, having considered petition of Galen Clark and others, praying for aid to build a bridge in Yosemite Valley—report the same back and recommend that the prayer of petitioners be not granted.

TUBBS, Chairman.

Mr. Beach, Chairman of the Committee on Public Expenditures, made the following report :

MR. PRESIDENT: The Committee on Public Expenditures, to whom was referred Senate Bill No. 363—An Act to encourage the development of iron mines in California—have agreed upon a substitute therefor, and report the same back without recommendation.

BEACH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT : The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 26—An Act relating to homesteads ;

Also, Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands ;

Also, Senate Bill No. 173—An Act to authorize Cyrus Cheeny and associates to build and maintain a wharf on the San Joaquin River at Antioch ;

Also, substitute for Senate Bill No. 306—An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison ;

And this day, at ten o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 428—An Act to provide for the government of the County of San Diego.

WADSWORTH, Chairman.

Mr. Pearce, from the Sonoma delegation, made the following report :

MR. PRESIDENT : The delegation from Sonoma, to whom was referred Assembly Bill No. 172, have considered the same, and report the same back with two amendments, and recommend the passage of the bill as amended.

PEARCE, for Delegation.

Mr. Tubbs, from the Committee of Conference, made the following report :

MR. PRESIDENT : The Joint Committee of Conference on the disagreeing vote of the two houses, on the Assembly amendments numbers two, three, four and five to Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight—after conference, unanimously recommend as follows :

First—That the Senate concur in Assembly amendments numbers two and five.

Second—That Assembly amendment number three be stricken out.

Third—That Assembly amendment number four be amended as follows : Strike out, in lines seven and eight, the words "three thousand

three hundred dollars" and insert "two thousand two hundred and fifty dollars."

TUBBS,
MANDEVILLE,
EWER,

Senate Committee.

GILDEA,
DAVIES,
ANGNEY,

Assembly Committee.

The report was adopted by the Senate.

Mr. Rose verbally reported recommending the passage, as amended, of Assembly Bill No. 75—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred and sixty-six.

Also, recommending the indefinite postponement of Senate Bill No. 329—An Act concerning hogs found running at large in certain townships in Amador County.

Mr. Heacock, from the Sacramento delegation, made the following report:

Mr. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 454—An Act concerning roads and highways in the County of Sacramento—have had the same under consideration, and report the same back and recommend the passage.

CURTIS,
HEACOCK,
Sacramento Delegation.

A message was received from the Governor, without his signature, which, on motion of Mr. Pearce, was respectfully returned that he might sign it.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }
March 7th, 1868. }

Mr. PRESIDENT: The Assembly, on this day, passed Assembly Bill No. 371—An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the Merchants' Floating Dry Dock Company.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 9th, 1868. }

Mr. PRESIDENT: The Assembly have passed Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

Also, Senate Bill No. 261—An Act to provide funds for the school department of the City of Oakland, and to authorize the payment of certain indebtedness.

Also, with amendments, Senate Bill No. 262—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland.

Also, Senate Concurrent Resolution No. 62—For the correction of Senate Bill No. 306.

Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers, for rafting logs and timber.

Also, Senate Bill No. 378—An Act to provide for the levying and collection of a special tax, to be used in the construction of bridges in the County of Tehama.

Also, with amendments, Senate Bill No. 315—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

Also, Senate Bill No. 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the corporate authorities of the City of Los Angeles in relation thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company.

Also, Senate Bill No. 317—an Act concerning the Clerk of the Board of Supervisors of Napa County.

Also, Assembly Bill No. 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

Also, Assembly Bill No. 503—An Act to grant to Matthew Woods and his associates the right to construct and maintain a bridge across the Yuba River, in the County of Yuba, and collect toll thereon.

Also, Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 535—An Act to provide for the payment of certain bonds in the County of San Joaquin.

Also, Assembly Bill No. 499—An Act to fix the time for holding County Court and Probate Court in the County of Yolo.

Also, Assembly Bill No. 550—An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for Klamath County.

Also, Assembly Joint Resolution No. 12—In relation to requesting our Senators and Representatives in Congress to use their influence to procure the appointing of a mail agent on the line of the Central Pacific Railroad.

Also, Assembly Joint Resolution relative to appropriating fifty thousand dollars for turning the River of San Diego into False Bay.

Also, Assembly Concurrent Resolution, that the report of the Commissioner to the Paris Exhibition of eighteen hundred and sixty-seven be embodied in the transactions of the California State Agricultural Society for eighteen hundred and sixty-six and eighteen hundred and sixty-seven, and that the same number of copies be printed as has been ordered printed of the Society's transactions.

Also, Assembly Bill No. 455—An Act to authorize John Dolbear and others to maintain booms, etc., on Elk River, Humboldt County.

Also, Assembly Bill No. 376—An Act to amend sections one, five and eight of an Act entitled an Act concerning grand and trial jurors.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 9th, 1868. }

Mr. PRESIDENT: The Assembly have passed Assembly Bill No. 426—An Act to condemn lands in all cases where corporations are interested.

Also, Assembly Bill No. 471—An Act to change the name of the Howard Street Religious Society, San Francisco.

Also, Assembly Bill No. 549—An Act to fix the terms of the County Court and Probate Court of the County of Monterey.

Also, Assembly Bill No. 470—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State.

Also, Assembly Bill No. 391—An Act extending the time for the construction of the work provided for by an Act entitled an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns therein, passed April first, eighteen hundred and sixty-four.

Also, Assembly Bill No. 515—An Act to repeal an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No. 370 (Substitute for Assembly Bill No. 370)—An Act to establish a Court in the City and County of San Francisco, to be called the San Francisco Criminal Court.

Also, Assembly Bill No. 433—An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 371, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 391, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 366, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 550, above reported, was read first and second times and referred to the Klamath delegation.

Assembly Bill No. 455, above reported, was read first and second times and referred to the Humboldt delegation.

Assembly Bill No. 376, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 370, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Concurrent Resolution No. 50, above reported, was concurred in.

Assembly Joint Resolution No. 12, above reported, was read first and second times and referred to the Committee on Federal Relations.

Assembly Joint Resolution No. 3, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 499, above reported, was read first and second times and referred to the Solano delegation.

Assembly Bill No. 535, above reported, was read first and second times and referred to the San Joaquin delegation.

The hour fixed for the consideration of the general file (the special order) having arrived, on motion of Mr. Rose, the order was temporarily postponed until the regular order of business shall have been gone through with.

Assembly Bill No. 504, above reported, was read first and second times and referred to the Yuba delegation.

Assembly Bill No. 503, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 367, above reported, was read first and second times and referred to the Contra Costa and Marin delegation.

Assembly Bill No. 515, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 426, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 433, above reported, was read first and second times and referred to the Shasta and Trinity delegation.

Assembly Bill No. 470, above reported, was read first and second times and referred to the Joint Committee on Colleges.

Assembly Bill No. 549, above reported, was read first and second times and referred to the Monterey delegation.

Assembly Bill No. 471, above reported, was read first and second times and referred to the Committee on Public Morals.

Senate Bill No. 315, above reported, was returned to Assembly messages.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Green—An Act to survey and dispose of certain lands in the Bay of San Francisco, known as Mission Rock and the land thereto adjacent.

Read first and second times and referred to Committee on Commerce and Navigation.

Also, an Act to provide for the collection of delinquent school taxes, and legalizing assessments and school elections held in school districts in the County of Marin.

Read first and second times and referred to the Marin delegation.

Also, an Act to authorize the State Prison Directors to compromise and settle certain conflicting claims to lands adjoining the State Prison, at Point San Quentin, and to appropriate money necessary for that purpose.

Read first and second times and referred to the Committee on State Prison.

By Mr. Freeman—An Act to provide for ascertaining the indebtedness of the Counties of Tulare and Los Angeles prior to the organization of Kern, and to provide for the payment of that portion due each from the County of Kern

Read first and second times, rules suspended, considered engrossed, read third time and passed, and ordered immediately transmitted to the Assembly.

By Mr. Teegarden—An Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed, and ordered immediately transmitted to the Assembly.

Leave of absence was granted to Mr. Green until Wednesday next.

By Mr. Pearce—An Act to authorize the Trustees of the City of Petaluma, and successors in office, to execute a certain trust.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act relating to the Petaluma School District, Sonoma County.

Read first and second times and referred to the Sonoma delegation.

By Mr. Hunter—An Act to fix the salaries of Sheriff and other officers in the County of El Dorado; to consolidate certain offices, and to create revenue districts therein.

Read first and second times and referred to the El Dorado delegation.

By Mr. Ewer—An Act for the relief of the Common School Fund of Butte County.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Rose—An Act to repeal certain Acts concerning hogs found running at large in Amador County.

Read first and second times and placed on file.

By Mr. Belden—An Act to amend an Act entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-seven, and other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times and placed on file.

MOTIONS AND RESOLUTIONS.

Mr. Mizner offered the following resolution :

Resolved, That the sum of fifteen dollars be appropriated out of the Contingent Fund of the Senate to pay for the frame of the picture called "First in Peace," now hanging in the Senate Chamber.

Adopted.

Mr. Lawrence offered a concurrent resolution relative to a mail route from Stockton to Millerton.

Read and placed on file.

On motion of Mr. Heacock, Senate Bill No. 293 was taken from the table and placed on file.

On motion of Mr. Mandeville, Senate Bill No. 152 was taken from the table and placed on file.

Mr. Mandeville, pursuant to notice, moved to reconsider the vote by which the Senate on Saturday passed Senate Bill No. 23—An Act grant-

ing certain rights and water privileges to the California Dry Dock Company, and that the motion be made the special order for Wednesday next, at two o'clock P. M.

The motion was temporarily laid on the table.

Mr. Mizner called for a division of the question.

Mr. Hager offered the following resolution:

Resolved by the Senate, That the Assembly be respectfully requested to return to this body Senate Bill No. 23, the same having been transmitted by mistake.

Adopted.

On the motion to reconsider the vote, the ayes and noes were demanded by Messrs. Chappell, Mizner and Murphy.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Freeman, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Mandeville, Mizner, Morrill, Murch, Pearce, Perley, Pratt, Roberts, Saunders, Teegarden, Wadsworth—25.

No—Mr. Rose.

So the motion prevailed.

The further consideration of the bill was then made the special order for Wednesday, March eleventh, eighteen hundred and sixty-eight, at two o'clock P. M.

GENERAL FILE.

Senate Bill No. 232 was passed on file.

Senate Bill No. 371—An Act to legalize certain evidences of indebtedness.

Read a third time and passed.

Senate Bill No. 85—An Act to extend a franchise heretofore granted to J. K. Hackett and Charles D. Judah to use and continue a wharf and to charge and collect wharfage.

Read a third time and passed.

Senate Bill No. 226—An Act supplemental to and amendatory to an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, etc., etc.

Read a third time and passed.

Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners.

Read a third time and passed.

Assembly Bill No. 354—An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for repairs of the banks of the Los Angeles River in the city, to levy a tax for street improvements, and for lighting the streets of said city with gas.

Read a third time and passed.

Assembly Bill No. 447—An Act to re-district the County of Los Angeles and provide for the election of Supervisors.

Read a third time and passed.

Assembly Bill No. 289—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 192—An Act to provide for paving the streets in the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 364—An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read a third time and passed.

Assembly Bill No. 168—An Act for the relief of the Treasurer of Sacramento County.

Read a third time and passed.

Senate Bill No. 257—Proposed amendment to the Constitution of the State of California.

On the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Ewer, Hager, Heacock, Hunter, Johnson, Lewis, Mizner, Pearce, Perley, Saunders, Wadsworth—16.

NOES—Messrs. Curtis, Freeman, Mandeville, Murch—4.

No quorum voting.

The bill was then ordered on top of the file for to-morrow.

Senate Bill No. 28—An Act to appropriate money to pay Bond No. 34, issued by authority of an Act of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one.

On the passage of the bill, the ayes and noes were demanded by Messrs. Beach, Johnson and Pearce.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Freeman, Heacock, Mizner, Perley, Pratt, Robinson, Rose, Tubbs—15.

NOES—Messrs. Hunter, Johnson, Lawrence, Mandeville, Murphy, Pearce, Teegarden, Wadsworth—8.

So the bill was passed.

Senate substitute for Senate Bill No. 56—An Act to amend an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

On the passage of the bill, Messrs. Mandeville, Morrill and McDougall demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Ewer, Heacock, Mizner, Morrill, Pratt, Tubbs, Wadsworth—9.

NOES—Messrs. Belden, Chappell, Conn, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Mandeville, Murch, Pearce, Perley, Rose, Saunders, Teegarden—16.

So the Senate refused.

Mr. Johnson gave notice for a reconsideration of the vote.

Senate Concurrent Resolution No. 13—Proposed amendments to the Constitution of the State of California.

The roll was called on the adoption of the resolution, with the following result:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Hager, Heacock, Hunter, Johnson, Lewis, Mizner, Pearce, Perley, Saunders, Tubbs, Tweed, Wadsworth—17.

NOES—Messrs. Conn, Freeman, Lawrence, Mandeville, Morrill, Murch, Rose—7.

So the resolution was adopted.

Mr. Murch gave notice of a motion for a reconsideration of the vote on to-morrow.

Assembly Bill No. 190—An Act granting to William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County.

Amendments of the Committee adopted, and the bill read a third time and passed.

Assembly Bill No. 306—An Act granting to the City of Monterey the water front of said city, in the Bay of Monterey.

Amendments of the Committee adopted, and bill placed third on file for to-morrow.

Senate Bill No. 173—An Act to create the Seventeenth Judicial District.

Placed second on the file for Wednesday next.

Assembly Bill No. 298—An Act to grant to certain parties herein named the right to construct and maintain a turnpike or toll road from or near the Town of Millerton, Fresno County, to Crane Valley.

Indefinitely postponed.

Assembly Bill No. 87—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Returned to Assembly for engrossment.

Assembly Bill No. 260—An Act entitled Act to authorize Evert C. Evertson, his heirs or assigns, to remove the remains of deceased persons from an abandoned graveyard in the City of Los Angeles.

Indefinitely postponed.

Assembly Bill No. 228—An Act to provide for the protection of the harbor of the City and County of San Francisco.

Referred to the Committee on Commerce and Navigation.

Assembly Concurrent Resolution No. 49, granting leave of absence to J. B. Carrington, a Justice of the Peace and Roadmaster in the County of Solano.

Rejected.

Senate Bill No. 146—An Act to furnish the public streets and highways with shade trees.

Substitute adopted.

Mr. Pearce moved to indefinitely postpone the bill.

Messrs. Mandeville, Morrill and Pearce demanded the ayes and noes. The vote was as follows:

AYES—Messrs. Bradley, Freeman, Hunter, Johnson, Mandeville, Morrill, Murch, Pearce, Rose, Tubbs, Wadsworth—11.

NOES—Messrs. Belden, Chappell, Conn, Curtis, Ewer, Hager, Heacock, Lawrence, Lewis, Mizner, Perley, Roberts, Saunders, Tweed, Wolcott—15.

So the Senate refused.

Mr. Morrill offered the following amendment: Amend by adding at end of last section :

" *Provided*, that nothing in this Act shall apply to the Counties of Calaveras, El Dorado, Sonoma, Amador, Inyo, Tulare, Kern and Fresno."

MESSRS. Pearce, Hager and Murphy demanded the ayes and noes on the adoption of the amendment.

The vote was as follows :

AYES—Messrs. Freeman, Hunter, Johnson, Mandeville, Morrill, Pearce, Rose—7.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Heacock, Lawrence, Lewis, Mizner, Murch, Perley, Roberts, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

So the amendment was rejected.

The bill was then ordered engrossed.

Mr. Johnson gave notice of a motion for a reconsideration of the vote. Senate Bill No. 262 was placed fifth on file for to-morrow.

Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Ordered engrossed.

Senate Bill No. 398—An Act for the relief of J. R. De la Guerra.

The rules were suspended, bill considered engrossed, read third time and passed.

Senate Bill No. 321—An Act for the relief of John Hassinger.

Indefinitely postponed.

Senate Bill No. 365 was passed on file.

Senate Bill No. 204—An Act to amend an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

Substitute adopted; rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 293—An Act to amend an Act entitled an Act amendatory of Article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and sixty-six, repealing sections thirty-six to sixty four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Concurrent Resolution No. 23—Proposed amendments to the Constitution of the State of California.

Placed on file for to-morrow.

Senate Bill No. 302—An Act for the encouragement of agricultural and mechanical societies.

Referred to the Committee on Finance.

Assembly Bill No. 19 was passed on file.

Assembly Bill No. 89—An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee.

On ordering the bill read a third time, the ayes and noes were demanded by Messrs. Murch, Pearce and Hager, and the roll was called, with the following result:

AYES—Messrs. Belden, Bradley, Chappell, Heacock, Lewis, Mizner, Roberts, Tubbs, Tweed, Wadsworth, Wolcott—11.

NOES—Messrs. Hager, Hunter, Johnson, Mandeville, Morrill, Pearce, Rose, Saunders—8.

No quorum voting.

The President directed the Secretary to call the roll again, which was done, with the following result:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Heacock, Lewis, Mizner, Roberts, Tubbs, Tweed, Wadsworth, Wolcott—13.

NOES—Messrs. Freeman, Hager, Hunter, Johnson, Lawrence, Mandeville, Morrill, Pearce, Perley, Rose, Saunders—11.

The bill was then read a third time and passed.

Assembly Bill No. 54—An Act to protect the wages of labor.

Amendment adopted, and bill was read a third time and passed.

Assembly Bill No. 448—An Act to stay the collection of certain taxes in Fresno County.

Read a third time and passed.

REPORTS.

The rules were suspended, and Mr. Tweed had leave to verbally report Assembly Bill No. 13, recommending its reference to the Committee on Public Lands.

So ordered.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight;

And this day, at three o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, March 7th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 150—An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Also, Senate Bill No. 86—An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town, in accordance with their respective interests.

Also, Senate Bill No. 417—An Act for the relief of J. S. Downs.

Also, Senate Bill No. 151—An Act to amend an Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Also, substitute for Senate Bill No. 79—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 238—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano.

Also, Senate Bill No. 262—An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

The rules were again suspended for the introduction of the following resolution by Mr. Hager :

Resolved, That in making up the file each day the Secretary shall pursue the following order :

First—Engrossed bills of the Senate.

Second—All other bills in the order of time they may be ordered on file or reported by a committee.

Adopted.

Mr. Lewis moved to adjourn.

Messrs. Murch, Roberts and Belden demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Hager, Heacock, Hunter, Johnson, Lewis, Mandeville, Morrill, Pearce, Saunders, Tweed, Wolcott—11.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Freeman, Lawrence, Mizner, Murch, Perley, Roberts, Teegarden, Wadsworth—13.

So the motion was lost.

On motion of Mr. Freeman, Assembly Bill No. 381 was taken from the file and referred to the Committee on Commerce and Navigation.

On motion of Mr. Lawrence, the Judiciary Committee were instructed not to report Senate Bill No. 391, as a bill for the same purpose had been introduced in the Assembly.

GENERAL FILE RESUMED.

Assembly Bill No. 143—An Act to authorize the Controller of State to credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses.

The Senate refused to order the bill read a third time.

Assembly Bill No. 134 was passed on file.

On motion of Mr. Lewis, at four o'clock p. m. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 10th, 1868. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by Rev. L. P. Webber.

Journal of yesterday read and approved.

PETITIONS.

Petitions were presented, as follows:

By Mr. Lawrence—Of citizens of Merced County, protesting against the passage of an Act to divide Merced County.

Read and referred to the Committee on Counties and County Boundaries.

By Mr. Hager—A petition from Charles P. Kimball, in relation to certain lands in the City of San Francisco.

Read and referred to the Committee on Commerce and Navigation.

By Mr. Roberts—A petition praying for the relief of C. C. Townsend.

Read and referred to the Committee on Claims.

By Mr. Pendegast—Petitions both for and against the repeal of the law which makes the Treasurer of Napa County Tax Collector.

Laid on the table.

REPORT.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 72—An Act to amend an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one—having had the same under advisement, report it back with amendments, and recommend its passage as amended.

BELDEN, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 386 (substitute for Senate Bills Nos. 24, 156 and 209)—An Act to appropriate money to pay the outstanding Indian War bonds of the State of California issued since January, eighteen hundred and fifty-four, under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Also, Senate Bill No. 361—An Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, and entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto.

Also, Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

Also, Senate Bill No. 155—An Act to provide for the payment of interpreters in the Courts of justice, in criminal cases, in San Mateo County.

Also, Senate Bill No. 136—An Act to authorize Montgomery Godley, administrator, with the will annexed, of the estate of Charles G. MeChesney, deceased, to sell certain lands belonging to the estate of said deceased.

Also, Senate Bill No. 282—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Also, Senate Bill No. 351—An Act to amend an Act to provide for the conveyance of mining claims, approved April thirteenth, eighteen hundred and sixty.

Also, Senate Bill No. 441—An Act to provide for levying a special tax to construct a public school-house in Nevada School District, in the County of Nevada.

Also, Senate Bill No. 438—An Act to enlarge the powers of the Board of Supervisors of San Joaquin County.

Also, substitute for Senate Bill No. 124—An Act for the relief of the City of Benicia.

WADSWORTH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General;

Also, Senate Bill No. 171—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and

upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board ;

Also, Senate Bill No. 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session ;

Also, Senate Bill No. 449—An Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved February twenty-fifth, eighteen hundred and sixty-eight ;

And this day, at ten o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

The committee have also examined and found correctly enrolled, Senate Concurrent Resolution No. 62, requesting the Governor to return Senate Bill No. 306.

The committee have also examined and find correctly enrolled, Senate resolution, requesting the Governor to telegraph certain resolutions to Hon. Schuyler Colfax ;

And this day, at ten o'clock and fifty minutes A. M., presented the same to the Governor.

MURCH, Chairman.

Mr. Roberts, from the Committee on Military Affairs, made the following report :

MR. PRESIDENT : The Committee on Military Affairs, having had under consideration Senate Bill No. 310—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April second, eighteen hundred and sixty-six—report the same back with amendments, and recommend its passage as amended.

ROBERTS,
For majority of Committee.

Mr. Lewis gave notice that he would, on to-morrow, introduce a minority report from the Committee on Military Affairs.

Mr. Perley rendered a minority report from the Committee on Agriculture, in favor of the passage of Mr. Heacock's No-fence bill, which was ordered printed.

[For report see Appendix.]

Mr. Pratt, Chairman of the Committee on Corporations, presented the following report :

MR. PRESIDENT : Your Committee on Corporations have considered Assembly Bill No. 434—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life, health and against accidents, approved April second, eighteen hundred and fifty-six—report the same back and respectfully recommend its passage.

Also, Assembly Bill No. 431—An Act concerning the ancient Jewish Order of Keshar Shel Barsel—and report the same back, recommending the passage of the bill.

Also, Assembly Bill No. 225—An Act concerning railroad companies in the City and County of San Francisco—and report the same back with a recommendation that it do pass.

PRATT, Chairman.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 296—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco—having had the same under consideration, and made two amendments thereto, report the same back and respectfully recommend the passage of the same as amended.

MIZNER, Chairman.

Mr. Roberts, Chairman of the Committee on Printing, made the following report:

Mr. PRESIDENT: The Committee on Printing, to whom was referred the report of the Trustees of the State Burial Ground, recommend that the report be printed in the Appendix, and that the report be referred to the Committee on Finance.

ROBERTS, Chairman.

The Senate so ordered.

Mr. Beach verbally reported recommending the passage of Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Mr. Murphy verbally reported recommending the indefinite postponement of Assembly Bill No. 443 —An Act to give additional power to the Board of Supervisors of Santa Barbara County to levy a road tax.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 9th, 1868.

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 26—An Act relating to homesteads.

Also, substitute for Senate Bill No. 306—An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison.

H. H. HAIGHT,
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

March 9th, 1868. }

Mr. PRESIDENT: The Assembly on this day passed Senate Bill No. 449—An Act to amend an Act to provide for the payment and liquidation of the indebtedness of the City of Marysville.

J. R. BEARD,
Assistant Clerk.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Belden—An Act to amend an Act relating to bills of exchange and promissory notes, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pearce—An Act to provide for the disposition of the Pueblo Lands of the City and County of San Francisco not embraced within the limits of the City of San Francisco as established by an Act entitled an Act to incorporate the City of San Francisco, passed April fifteenth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pendegast (with petition)—An Act to provide for the appointment of phonographic reporters in certain counties in this State.

Read first and second times and referred to the Judiciary Committee.

By Mr. Freeman—An Act to extend the time within which to complete a wagon road.

Read first and second times and referred to the Judiciary Committee.

By Mr. Mandeville—An Act to authorize Lyman Leslie, Paul K. Hubbs, and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano.

Read first and second times and referred to the Committee on Commerce and Navigation.

The Senate took up from Assembly messages, Senate Bill No. 315—An Act to amend an Act entitled an Act amendatory of an Act to define boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

The Senate concurred in Assembly amendments to Senate Bill No. 315, above reported.

By Mr. Hager—An Act providing for changing the grades of certain streets in San Francisco, and to provide for executing the work connected therewith.

Read first and second times and referred to the San Francisco delegation.

By Mr. Murch—An Act supplemental to an Act entitled an Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State, certain fees, approved March third, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Claims.

By Mr. Pratt—An Act to provide for the incorporation of Mutual Savings and Homestead Associations.

Read first and second times and referred to Committee on Corporations.

On motion of Mr. Pendegast, Senate Bill No. 316 was taken from the table and placed on file for to-morrow.

The rules were suspended, and Mr. Teegarden had leave to introduce the following resolution :

Resolved by the Senate, the Assembly concurring, That the Governor be and is hereby requested to return to the Senate, Senate Bill No. 117, for correction.

Adopted.

The rules were further suspended, and the resolution was ordered immediately transmitted to the Assembly.

On motion of Mr. Roberts, the rules were suspended and Assembly Bill No. 50—An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty—was taken up.

On the question. Shall the Senate recede from its amendment? Messrs. Rose, Wolcott and Roberts demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Beach, Curtis, Ewer, Lawrence, Maclay, Murch, Pratt, Rose, Saunders, Tubbs, Wolcott—11.

NOES—Messrs. Belden, Bradley, Chappell, Conn, Freeman, Hager, Hardy, Heacock, Johnson, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Perley, Roberts, Teegarden, Tweed, Wadsworth—21.

So the Senate refused.

Pending further consideration of the bill, the hour for the consideration of the general file (special order) arrived. On motion of Mr. Roberts the special order was postponed until the bill under consideration shall have been disposed of.

The Senate appointed Messrs. Belden, Hager and Curtis a Committee of Free Conference on the part of the Senate, to meet a like committee from the House and settle the disagreement between the two houses relative to Assembly Bill No. 50.

Mr. Murch moved a reconsideration of the vote whereby the Senate on yesterday refused to pass Senate Joint Resolution No. 13—Proposed amendments to the Constitution.

Carried.

On the passage of the resolution the roll was called, with the following result :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Hager, Heacock, Johnson, Mizner, Murch, Pearce, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Conn, Curtis, Freeman, Lawrence, Lewis, Mandeville, McDougall, Morrill, Murphy, Pendegast, Rose, Saunders—12.

The rules were suspended, and Mr. Murphy had leave to introduce a bill for an Act to settle public grants in the Town of Santa Barbara.

Read first and second times and referred to the Committee on Corporations.

GENERAL FILE.

The Senate took up, in the order on the general file, Senate Bill No. 257—Proposed amendments to the Constitution of the State of California.

On the passage of the bill the roll was called, with the following result:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Hager, Heacock, Johnson, Lewis, Mizner, Morrill, Murch, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—24.

NOES—Messrs. Conn, Curtis, Freeman, Lawrence, Mandeville, McDougall, Rose—7.

Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Considered in Committee of the Whole.

IN SENATE.

Mr. Tubbs moved to recommit the bill to the San Francisco delegation with instructions to strike out section three; also, amend section four, line two, by inserting after the word "shall" the word "thereafter."

Messrs. Pearce, Roberts and Rose demanded the ayes and noes on the adoption of the amendment.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Hager, Hardy, Heacock, Johnson, Mizner, Murch, Pearce, Roberts, Robinson, Saunders, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Conn, Freeman, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Rose, Teegarden—14.

So the motion was carried.

Assembly Bill No. 306—An Act granting to the City of Monterey the water front of said city, in the Bay of Monterey.

Considered in Committee of the Whole and amended.

IN SENATE.

Reported, amendments adopted, and bill read a third time and passed.

Senate Bill No. 334—An Act creating the office of Insurance Commissioner, and prescribing his duties and powers, and repealing certain acts requiring foreign insurance companies to deposit stocks and security for transacting business in this State.

Mr. Pearce presented a remonstrance, purporting to be signed by seventeen thousand citizens of San Francisco, protesting against the passage of the bill (Senate Bill No. 334).

Mr. Roberts moved to postpone further consideration of the bill until Saturday next.

Messrs. Lewis, Roberts and Murphy demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Bradley, Ewer, Heacock, Johnson, Lewis, Mizner, Murphy, Roberts, Robinson, Tweed, Wolcott—11.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Hager,

Hardy, Hunter, Lawrence, Maclay, Murch, Pearce, Pendegast, Perley, Pratt, Rose, Saunders, Teegarden, Wadsworth—19.

So the motion was lost.

Mr. Lewis moved to recommit the bill to the Judiciary Committee, with special instructions to amend so as to provide that the Governor shall appoint said Commission, by and with the advice and consent of the Senate.

Lost.

On the passage of the bill, Messrs. Roberts, Rose and Pendegast demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Freeman, Hager, Hardy, Lawrence, Maclay, Mizner, Morrill, Murch, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Teegarden—18.

NOES—Messrs. Bradley, Curtis, Heacock, Hunter, Johnson, Lewis, Murphy, Pearce, Robinson, Tweed, Wadsworth, Wolcott—12.

So the bill was passed.

Messrs. Roberts and Rose each gave notice that on to-morrow they would move for a reconsideration of the vote aforesaid.

Senate Bill No. 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California.

On the passage of the bill, Messrs. Johnson, Murphy and Lewis demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Freeman, Heacock, Johnson, Lawrence, Lewis, Mizner, Morrill, Murch, Pratt, Tweed, Wadsworth, Wolcott—15.

NOES—Messrs. Belden, Freeman, Hager, Hunter, Mandeville, McDougall, Murphy, Pearce, Pendegast, Robinson, Rose, Saunders, Teegarden—13.

So the bill was passed.

Senate Bill No. 232—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read a third time and passed.

Mr. Johnson, pursuant to notice, moved to reconsider the vote whereby the Senate on yesterday refused to pass Senate Bill No. 56—An Act to amend an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Messrs. Johnson, Tweed and Heacock demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Freeman, Hager, Hardy, Lawrence, Maclay, Mizner, Morrill, Murch, Pendegast, Perley, Pratt, Robinson, Rose, Saunders, Teegarden—18.

NOES—Messrs. Bradley, Curtis, Heacock, Hunter, Johnson, Lewis, Murphy, Pearce, Roberts, Tweed, Wadsworth, Wolcott—12.

So the vote was reconsidered.

On the passage of the bill, the ayes and noes were again demanded by Messrs. Johnson, Tweed and Heacock.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Ewer, Heacock, Johnson, Lewis, Mizner, Morrill, Murch, Pratt, Roberts, Tweed, Wadsworth, Wolcott—15.

NOES—Messrs. Belden, Curtis, Freeman, Hager, Hunter, Lawrence, Mandeville, McDougall, Murphy, Pearce, Pendegast, Robinson, Rose, Saunders, Teegarden—15.

So the Senate refused to pass the bill.

Mr. Lewis also moved to reconsider the vote whereby the Senate on yesterday refused to pass Senate Bill No. 56.

The Chair (President pro tem.) ruled the motion out of order, as a motion for the same purpose had just been disposed of.

Mr. Lewis appealed to the Senate.

The decision of the Chair was sustained.

Mr. Roberts in the chair.

Mr. Johnson moved a call of the Senate.

Messrs. Chappell, Johnson and Tweed demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Bradley, Chappell, Hager, Heacock, Hunter, Johnson, Mizner, Murch, Pearce, Roberts, Tweed, Wadsworth—12.

NOES—Messrs. Belden, Freeman, Maclay, Mandeville, McDougall, Perley, Rose, Teegarden, Wolcott—9.

So the motion was carried.

Messrs. Beach, Conn, Curtis, Hardy, Lewis, Morrill, Murphy, Pratt, Robinson, Saunders, Shaw, Tubbs and Pendegast were found to be absent without leave.

Messrs. Beach, Curtis, Pendegast, Lewis, Saunders, Morrill and Robinson appeared at the bar of the Senate and were admitted.

On motion of Mr. Chappell, further proceedings under the call were dispensed with.

RESOLUTION.

The rules were suspended and Mr. Lawrence had leave to introduce a resolution relative to a daily recess of one hour.

Laid over, under the rules, one day.

GENERAL FILE RESUMED.

Senate Bill No. 263—An Act for the relief of J. D. Patterson.

Substitute adopted and amended.

On ordering the bill engrossed, Messrs. Pendegast, Perley and Wadsworth demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Beach, Freeman, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Roberts, Rose, Tweed, Wolcott—16.

NOES—Messrs. Belden, Bradley, Chappell, Curtis, Ewer, Hardy, Hea-

cock, Murch, Pearce, Perley, Robinson, Saunders, Teegarden, Tabbs, Wadsworth—15.

So the bill was ordered engrossed.

Leave of absence was granted to Messrs. Conly and Saunders for one day, and indefinitely to Mr. Shaw.

Mr. Lewis moved a call of the Senate.

Lost.

Assembly amendments to Senate Bill No. 262 were concurred in.

On motion of Mr. McDougall, Assembly Bill No. 127—An Act to define the boundary line between the Counties of Santa Cruz and San Mateo—was recommitted to the Committee on Counties and County Boundaries, with instructions to report as soon as possible.

Senate Bill No. 426 was passed on file.

Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California, and the publication thereof.

Placed on top of file for Thursday next.

Senate Bill No. 379—An Act to circulate information relative to the resources of the State of California.

Placed second on file for to-morrow.

Senate Bill No. 363—An Act to encourage the development of the iron mines of California.

Substitute adopted, amended, and placed on top of the file for to-morrow.

Mr. Mizner in the chair.

Mr. Teegarden moved to reconsider the vote by which the minority report of the Committee on Agriculture was ordered printed.

Lost

On motion of Mr. Beach, Senate Bill No. 281—An Act to pay outstanding war bonds issued under an Act of the Legislature, approved April twenty-fifth, eighteen hundred and fifty-seven—was taken from the file and recommitted to the Committee on Claims.

Assembly Bill No. 172—An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County.

Amendments adopted, and bill read a third time and passed.

Assembly Bill No. 75—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred and sixty-six.

Amendments adopted, and bill read a third time and passed.

Assembly Bill No. 454—An Act concerning roads and highways in the City and County of Sacramento.

Read a third time and passed.

Senate Bill No. 329—An Act concerning hogs found running at large in certain townships in Amador County.

Indefinitely postponed.

Senate Concurrent Resolution No. 23—Proposed amendments to the Constitution.

Placed on top of the file for to-morrow.

Assembly Bill No. 464—An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April fourth, eighteen hundred and sixty-three.

Read a third time and passed.

Mr. Johnson introduced an amendment to the Standing Rules of the Senate.

*Laid over one day, under the rules.

INTRODUCTION OF BILLS.

The rules were suspended for the introduction of the following bills:

By Mr. Mandeville—An Act to repeal certain Acts incorporating the Town of Columbia, in the County of Tuolumne, and all Acts amendatory thereof.

Read first and second times and placed on file.

By Mr. Johnson—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto.

Read first and second times and placed on file.

By Mr. Roberts—An Act for the relief of C. C. Townsend.

Read first and second times and referred to the Committee on Claims.

Assembly Bill No. 435—An Act granting leave of absence from the State to Thomas R. Bard, Supervisor of Santa Barbara County.

On ordering the bill read a third time, Messrs. Mandeville, Murphy and McDougall demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Freeman, Mandeville, McDougall, Morrill, Murphy, Rose, Wolcott—7.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Hager, Hardy, Heacock, Hunter, Johnson, Lawrence, Lewis, MacLay, Mizner, Murch, Pearce, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth—23.

So the Senate refused.

Assembly Bill No. 2—An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters.

Amendment adopted, read a third time and passed.

Mr. Pearce moved to adjourn.

Lost.

Assembly Bill No. 396—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 446—An Act to amend an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county.

Indefinitely postponed.

On motion of Mr. Pearce, at four o'clock P. M. the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
 Wednesday, March 11th, 1868. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected and approved.

PETITIONS.

Petitions were presented as follows :

By Mr. Green—Of citizens of Contra Costa County, praying the repeal of the Fence Law.

Read and referred to the Committee on Agriculture.

By Mr. Wolcott—Of citizens and taxpayers of the City of Columbia, Tuolumne County, remonstrating to the passage of an Act repealing the charter of the City of Columbia.

Read and referred to the Tuolumne delegation.

REPORTS.

Mr. Pearce, from the Sonoma delegation, made the following report :

MR. PRESIDENT: The delegation from Sonoma County, to whom was referred Senate Bill No. 451—An Act relating to Petaluma School District—have had the same under consideration, and respectfully report the same back with a substitute and recommend the passage of the substitute.

PEARCE, for Delegation.

Mr. Roberts, Chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 40, relative to securing the passage of a law by Congress granting aid to the Oroville and Virginia City Railroad Company ;

Also, Senate Concurrent Resolution No. 63, relative to establishing a mail route from Stockton to Millerton, and Post Offices on said route ;

Having had the same under consideration, report them back and recommend their adoption.

Also, Assembly Joint Resolution No. 12, in relation to requesting our Senators and Representatives in Congress to use their influence to procure the appointment of a Mail Agent on the line of the Central Pacific Railroad—report the same back with amendment and recommend its adoption as amended.

ROBERTS, Chairman.

Mr. Ewer, Chairman of the Committee on Claims, made the following report :

Mr. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 253—An Act to provide for the payment of the expenses of the Surveyor-General in adjusting land titles at Washington—having had the same under consideration, report the same back and recommend its passage.

Also, Assembly Bill No. 467—An Act for the relief of J. Scott Ashman, Sheriff of Fresno County—report it back and recommend its passage.

Also, Senate Bill No. 444—An Act to authorize payment for work done in Swamp Land District No. 2—report it back and recommend that it be referred to the Sacramento delegation.

EWER, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred the following entitled bills, having had the same under consideration, respectfully submit the following report:

Senate Bill No. 62—An Act entitled an Act concerning corporations. Your committee have amended sections one, two and three of the bill and recommend the passage of said sections as amended, and report without recommendation as to sections four and five of the bill.

Also, Assembly Bill No. 515—An Act to repeal an Act entitled an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory—and recommend the passage of the bill.

Also, recommend the indefinite postponement of Senate Bill No. 399—An Act to secure the safety of travellers on railroads.

Also, report without recommendation, Assembly Bill No. 426—An Act to condemn lands in all cases where corporations are interested.

PRATT, Chairman.

Mr. Perley, from the San Joaquin delegation, made the following report:

Mr. PRESIDENT: The San Joaquin delegation, to whom was referred Assembly Bill No. 535—An Act to provide for the interest on certain bonds in the County of San Joaquin—report it back and recommend its passage.

PERLEY, for Delegation.

Mr. Rose verbally reported recommending the passage of Senate Bill No. 404—An Act for the relief of Robert M. Folger.

Mr. Green made the following report:

Mr. PRESIDENT: Your Committee, to whom was referred Senate Bill No. 446—An Act to provide for the collection of delinquent school taxes, and legalizing assessments and school elections held in school districts in the County of Marin—report it back and recommend its passage.

GREEN, for Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 10th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate amendments to Senate Bill No. 288—An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight.

Also, Senate Bill No. 449—An Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved February fifth, eighteen hundred and sixty-eight.

H. H. HAIGHT, Governor.

Mr. Hager verbally reported recommending the passage of Assembly Bill No. 142—An Act to authorize T. B. Lewis, E. Thomas and Henry Pitchoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco; and also, of Assembly Bill No. 148—An Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the corporate authorities of the City of Los Angeles in relation thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company;

Also, Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress;

Also, Senate Bill No. 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six;

Also, Senate Bill No. 291—An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California;

Also, Senate Bill No. 314—An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six;

Also, Senate Bill No. 330—An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against the same;

Also, Senate Bill No. 378—An Act to provide for the levying and col-

lection of a special tax, to be used in the construction of bridges in the County of Tehama;

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

The Committee have also examined and find correctly enrolled, Senate Concurrent Resolution No. 62, relative to correcting Senate Bill No. 306.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report;

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 295—An Act to amend an Act entitled an Act amendatory of Article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and sixty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two.

Also, Senate Bill No. 448—An Act to provide for ascertaining the indebtedness of the Counties of Tulare and Los Angeles prior to the organization of Kern, and to provide for the payment of that portion due each from the County of Kern

Also, Senate Bill No. 453—An Act for the relief of the Common School Fund of Butte County.

Also, Senate Bill No. 398—An Act for the relief of J. R. De la Guerra.

Also, substitute for Senate Bill No. 204—An Act supplementary to an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

Mr. Rose, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday passed Senate Bill No. 334—An Act creating the office of Insurance Commissioner, and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks and security for transacting business in this State.

Messrs. Chappell, Rose and Pearce demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Bradley, Conn, Curtis, Ewer, Heacock, Hunter, Johnson, Lewis, Mandeville, McDougall, Murphy, Pearce, Roberts, Robinson, Tweed, Wadsworth, Wolcott—17.

NOES—Messrs. Beach, Belden, Chappell, Conly, Freeman, Green, Hager, Hardy, Lawrence, Maclay, Mizner, Morrill, Murch, Pendegast, Perley, Pratt, Rose, Saunders, Shaw, Teegarden, Tubbs—21.

So the motion was lost.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }
March 11th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate Concurrent Resolution No. 64, relative to Senate Bill No. 147.

Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company, and to provide for the payment of the same.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 11th, 1868. }

MR. PRESIDENT: The Assembly, on the second instant, passed Assembly Bill No. 107—An Act to incorporate the City of Monterey.

Also, on third instant, Assembly Bill No. 399—An Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State certain fees.

On the fourth instant, Assembly Bill No. 421 (substitute for Assembly Bill No. 421)—An Act for the more effectual prevention of cruelty to animals.

Also, on fifth instant, Assembly Bill No. 416 (substitute for Assembly Bill No. 416)—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, and amended February twenty-ninth, eighteen hundred and sixty-four.

Also, on seventh instant, Assembly Bill No. 57—An Act to repeal an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourteenth, eighteen hundred and sixty-four.

Also, on ninth instant, Assembly Bill No. 562—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento.

Also, Assembly Bill No. 579—An Act for the relief of William Fitzpatrick.

Also, Assembly Bill No. 546—An Act supplemental to and amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the Los Angeles and San Pedro Railroad Company, etc.

Also, on seventh instant, Assembly Bill No. 336—An Act to provide for the relief of the indigent sick of San Mateo County.

Also, Assembly Bill No. 440—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Also, on sixth instant, Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers.

Also, on fifth instant, Assembly Bill No. 209 (substitute for Assembly

Bills Nos. 14, 40, 90, 123, 125, 185 and 187)—An Act to amend sections one hundred and sixty-five, one hundred and eighty-nine, two hundred and three, two hundred and sixty-four, two hundred and sixty-five, four hundred and forty-eight, five hundred and forty-three, five hundred and eighty-two, and six hundred and twenty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts.

Also, on third instant, Assembly Bill No. 365—An Act amendatory of an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa.

Also, on ninth instant, adopted Assembly Concurrent Resolution No. 32—Relative to the establishment of a tri-weekly mail route from Crystal Peak, Nevada, via Sardine Valley, Susanville, etc., etc.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 11th, 1868. }

Mr. PRESIDENT: The Assembly, on this day, passed Senate Bill No. 428—An Act to provide for the government of the County of San Diego.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 10th, 1868. }

Mr. PRESIDENT: The Assembly, on yesterday, passed Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County.

Also, amended and passed, Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title.

Also, adopted Senate Joint Resolution No. 45—Relative to railroad lands.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Mr. Hager in the chair.

Senate Bill No. 259, above reported with amendments, was taken up, the question being on concurring.

Pending consideration thereon, the hour arrived for the consideration of the general file (the special order) which, on motion of Mr. Roberts, was temporarily postponed.

By unanimous consent, Mr. Shaw had leave to introduce a bill—An Act to provide for the support of the Government.

Read first and second times and placed on file and ordered printed.

On concurring in the Assembly amendment to Senate Bill No. 259, the consideration of which was interrupted by the special order, Messrs. Mandeville, Pearce and Green demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Conly, Conn, Freeman, Hager, Hardy, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Pendegast,

Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—22.

NOES—Messrs. Belden, Bradley, Chappell, Curtis, Ewer, Green, Heacock, Hunter, Johnson, Lewis, Murphy, Pearce, Perley, Robinson, Tweed—15.

So the Senate concurred.

INTRODUCTION OF BILLS.

The rules were suspended for the introduction of the following bills :

By Mr. Teegarden—An Act to provide for the care and instruction of juvenile offenders in the State of California.

Read first and second times and with accompanying documents referred to the Committee on Finance.

Also, an Act to provide for the care and maintenance of indigent insane persons in the State of California.

Read first and second times and with accompanying documents referred to the Committee on Finance.

On motion of Mr. Teegarden the report of the Committee on Hospitals was ordered printed.

REPORTS.

The rules were again suspended for the introduction of the following reports :

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT : Your Committee on Commerce and Navigation, having had under consideration substitute for Assembly Bill No 371—An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the Merchants' Floating Dry Dock Company—report it back and respectfully recommend that it do pass.

MIZNER,
PRATT,
SHAW,
GREEN.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT : The Judiciary Committee, to whom was referred Senate Bill No. 253—An Act supplementary to an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto—having had the same under consideration, report it back without amendments and recommend its passage.

Also, substitute for Senate Bill No. 254—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and recommend the passage of the substitute.

BELDEN, Chairman.

GENERAL FILE.

The Senate took up, in their order, bills on the general file, as follows:
Senate Bill No. 72 was passed on file.

Senate Bill No. 563—An Act to encourage the development of the iron mines of California.

Referred to the Committee on Finance.

The President pro tem. (Mr. Mizner) in the chair.

Senate Concurrent Resolution No. 23—Proposed amendments to the Constitution.

Mr. Shaw moved to make the resolution the special order for Monday next at two o'clock p. m.

Lost.

The roll was called on the passage of the resolution, with the following result:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hager, Hardy, Lawrence, Lewis, Maclay, McDougall, Mizner, Pendegast, Pratt, Roberts, Rose, Saunders, Teegarden, Tweed, Wolcott—22.

NOES—Messrs. Bradley, Conly, Ewer, Heacock, Hunter, Johnson, Mandeville, Morrill, Murch, Pearce, Perley, Robinson, Shaw, Tubbs, Wadsworth—15.

Mr. Conn gave notice that on to-morrow he would move a reconsideration of the vote whereby the Senate on this day concurred in the Assembly amendments to Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company, etc.

Senate Bill No. 23—An Act granting certain rights and water privileges to the California Dry Dock Company.

Mr. Lewis had unanimous leave to withdraw his amendment, and the bill was then read a third time and passed.

Senate Bill No. 219—An Act to provide for the appointment of additional Notaries in the City and County of San Francisco.

On ordering the bill engrossed, Messrs. Shaw, Rose and Lewis demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Conn, Hager, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Pendegast, Perley, Rose, Saunders, Shaw—14.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Freeman, Green, Hardy, Heacock, Johnson, Mizner, Murch, Pearce, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—22.

So the Senate refused.

Assembly Bill No. 193—An Act to create the Seventeenth Judicial District.

Mr. Lewis moved a call of the Senate.

Lost.

On motion of Mr. Beach, the Senate took a recess for half an hour.

REASSEMBLED.

The Senate reassembled at two o'clock p. m.

President pro tem. in the chair.

Roll called.

Quorum present.

Mr. Mandeville moved a call of the Senate.

So ordered.

MESSRS. Bradley, Conly, Conn, Hager, McDougall and Murphy were found absent without leave.

Several Senators appeared at the bar of the Senate and were admitted.

Mr. Ewer moved to dispense with further proceedings under the call.

The ayes and noes were demanded by Messrs. Johnson, Green and Lewis.

The vote was as follows:

AYES—Messrs. Belden, Chappell, Ewer, Freeman, Green, Hardy, Hunter, Maclay, Mizner, Perley, Pratt, Shaw, Tweed—13.

NOES—Messrs. Beach, Curtis, Heacock, Johnson, Lawrence, Lewis, Mandeville, Morrill, Murch, Pearce, Pendegast, Roberts, Robinson, Rose, Saunders, Teegarden, Tubbs, Wadsworth, Wolcott—19.

So the Senate refused.

On motion of Mr. Hardy, further proceedings under the call were dispensed with.

SPECIAL ORDER.

The Senate took up the special order of the day, Senate Bill No. 377—An Act to dispose of certain submerged and tide lands belonging to the State of California, and for the reclamation and improvement of the same.

The question being on the adoption of the substitute, Mr. Mandeville moved to strike out the enacting clause of the original bill.

The President pro tem. (Mr. Mizner) ruled the motion out of order.

Mr. Mandeville appealed from the ruling of the Chair.

On sustaining the decision of the Chair, Messrs. Lewis, Johnson and Mandeville demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Chappell, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Morrill, Murch, Perley, Pratt, Rose, Teegarden, Tubbs, Wolcott—18.

NOES—Messrs. Belden, Conly, Conn, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murphy, Pendegast, Roberts, Robinson, Saunders, Shaw, Tweed, Wadsworth—17.

The Chair was sustained.

Messrs. Lewis, Johnson and Mandeville demanded the ayes and noes on the adoption of the substitute.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Murch, Pearce, Perley, Pratt, Robinson, Rose, Teegarden, Tubbs, Wolcott—22.

NOES—Messrs. Conly, Conn, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murphy, Pendegast, Roberts, Saunders, Shaw, Tweed, Wadsworth—15.

So the substitute was adopted.

Mr. Mandeville moved to strike out the enacting clause of the substitute.

Mr. Pearce moved to amend.

Mr. Mandeville raised the point of order, that a motion to strike out the enacting clause of a bill took precedence of a motion to amend.

The President *pro tem.* (Mr. Mizner) decided that a motion to amend took precedence of a motion to strike out.

Mr. Mandeville appealed from the decision, which appeal was subsequently withdrawn.

Mr. Shaw moved to refer the bill to a select committee of three, with instructions to report on Monday next.

Mr. Pearce had unanimous leave to withdraw his amendment.

Mr. Lewis called for a division of the question.

On referring the bill to a select committee of three, *etc.*, Messrs. Lewis, Mandeville and McDougall demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Conn, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Roberts, Saunders, Shaw, Tubbs, Tweed, Wadsworth—19.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Murch, Perley, Pratt, Robinson, Rose, Teegarden, Wolcott—19.

So the Senate refused.

Mr. Mandeville moved to make the whole subject matter the special order for Wednesday next, at two o'clock *p. m.*, and that the amendments offered by Messrs. Rose and Pearce be ordered printed.

Mr. Morrill moved to amend by striking out "Wednesday next at two o'clock," and insert in lieu thereof, the words "seven o'clock this evening."

Lost.

Messrs. Mandeville, Rose and Pearce demanded the ayes and noes on the motion of Mr. Mandeville.

The vote was as follows:

AYES—Messrs. Belden, Bradley, Conly, Conn, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murphy, Pearce, Pendegast, Roberts, Robinson, Saunders, Shaw, Tubbs, Tweed, Wadsworth—20.

NOES—Messrs. Beach, Chappell, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Murch, Perley, Pratt, Rose, Teegarden, Wolcott—18.

So the motion was carried.

RESOLUTION.

The rules were suspended for the introduction of the following resolution by Mr. Teegarden—A concurrent resolution instructing the Enrolling Clerk to re-enroll Senate Bill No. 147, and correct certain errors therein.

Adopted.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without previous notice, as follows :

By Mr. Saunders—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a reasonable counsel fee for certain services.

Read first and second times and referred to the San Francisco delegation.

By Mr. Shaw—An Act entitled an Act to ratify and confirm a certain contract made by the Board of Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same.

Read first and second times and referred to the San Francisco delegation.

By Mr. Johnson—An Act for the relief of David L. Brittin.

Read first and second times and referred to the Committee on Claims.

By Mr. Perley—An Act for the relief of William R. Crawford.

Read first and second times and referred to the Committee on Claims.

By Mr. Curtis—An Act for the relief of Anna Lee.

Read first and second times and referred to the Committee on Claims.

By Mr. Hardy—An Act to provide depot grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroads, and other matters relating thereto.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Perley—An Act to improve the navigation of the San Joaquin and Sacramento Rivers, their sloughs and tributaries.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Pendegast—An Act to authorize the construction and maintenance of a wharf in Mendocino County.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Perley—An Act to amend an Act entitled an Act to provide for the construction of a railroad from Tuolumne City to Woodbridge, in the County of San Joaquin, approved March twenty-fifth, eighteen hundred and sixty-two.

Read first and second times and referred to the Committee on Corporations.

By Mr. McDougall—An Act granting to Bradley, Sargent and others, the right to erect gas works and lay gas pipes in the City of Monterey.

Read first and second times and referred to Committee on Corporations.

By Mr. Mizner—An Act to incorporate the City of Vallejo.

Read first and second times and referred to the Committee on Corporations.

By Mr. Perley—An Act amendatory of and supplemental to an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tweed (by request)—An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco.

Read first and second times and referred to the Judiciary Committee.

By Mr. Bradley (by request)—An Act to provide for the collection of certain moneys due the State.

Read first and second times and referred to the Committee on Finance.

By Mr. Robinson—An Act to provide for the purchase of philosophical and chemical apparatus for the California State Normal School.

Read first and second times and referred to the Committee on Education.

By Mr. Mizner—An Act to amend an Act entitled an Act in relation to roads and Roadmasters in Solano County, approved March twenty-second, eighteen hundred and sixty-four.

Read first and second times and placed on file.

REPORTS.

The rules were suspended for the reception of the following:

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 260—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Also, substitute for Senate Bill No. 143—An Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State.

Also, substitute for Senate Bill No. 263—An Act for the relief of J. D. Patterson.

WADSWORTH, Chairman.

Mr. Murch, from the Humboldt delegation, made the following report:

MR. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 455—An Act to authorize and empower John Dolbeer, William Carson, David R. Jones and Hans H. Bahne, or their assigns, to construct and maintain dams, booms and piers on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same—have had the same under consideration, and report it back with certain amendments, and recommend its passage as amended.

MURCH, for Delegation.

Mr. Conly gave notice that he would, on to-morrow, move a reconsideration of the vote whereby the Senate, on this day, made Senate Bill No. 377 the special order for Wednesday next.

Mr. McDougall verbally reported, recommending the passage of Senate Bill No. 549—An Act to fix the terms of the County Court and Probate Court of the County of Monterey.

RESOLUTIONS.

The rules were suspended for the introduction of the following resolutions:

Mr. Maclay offered the following:

Resolved, That A. W. Perley and B. S. Marston, Copying Clerks of the Senate, are hereby authorized and directed to complete the copying of the minutes, and to write up and complete the Appendix to the Senate

Journal which may be unfinished at the close of the present session, at a compensation of fifteen cents per folio, commencing at the page completed at the time of adjournment, which page shall be certified to the Controller of State by the Secretary of the Senate, and when completed the said Copying Clerks shall deliver the work done to the Controller, who shall compute and audit the same and draw his warrant in favor of said Perley and Marston for the amount found to be due, payable out of the Contingent Fund of the Senate.

Mr. Roberts offered the following as a substitute:

Resolved, That the Committee on Printing be and they are hereby instructed to examine and report to the Senate what documents should be copied into the Appendix to Senate Journal, and that they be further authorized to receive proposals, in writing, for the copying of all such documents into the Appendix, and for the copying of such portion of the Journal for the Printer's use as may remain unfinished; and that said committee may let such contract to the lowest competent bidder.

Mr. Robinson moved to refer both the original resolution and substitute to the Committee on Printing.

Lost.

The substitute was then adopted.

Mr. Johnson offered the following resolution:

Resolved, That when the Senate adjourns it will adjourn to meet tomorrow morning at ten o'clock.

Adopted.

Mr. Johnson moved to take a recess until seven o'clock.

Lost.

On motion of Mr. Shaw, at five o'clock P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Thursday, March 12th, 1868. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Conn, pursuant to notice, moved to reconsider the vote whereby the Senate on yesterday concurred in the Assembly amendments to

Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company, etc.

Messrs. Green, Pearce and Hardy demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Chappell, Ewer, Green, Heacock, Hunter, Johnson, Lewis, Murch, Pearce, Perley, Robinson, Teegarden, Tweed, Wadsworth—16.

NOES—Messrs. Conn, Freeman, Hager, Hardy, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Pendegast, Pratt, Roberts, Rose, Shaw, Tubbs, Wolcott—17.

So the motion was lost.

REPORTS.

Mr. Tweed, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT: The Committee on Public Morals, to which was referred Assembly Bill No. 471—An Act to change the name of the Howard Street Religious Society, San Francisco—have had the same under consideration, report the same back and recommend that it be referred to the Committee on Corporations.

Also, Assembly Bill No. 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant)—and report the same back and recommend that it be referred to the Committee on Corporations.

TWEED, Chairman.

Mr. Bradley, Chairman of the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 127—An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz—report the same back without recommendation.

BRADLEY, Chairman.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, reported as follows :

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey—have had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 228—An Act to provide for the protection of the harbor of the City and County of San Francisco—report the same back and recommend its passage.

Also, Assembly Joint Resolution No. 3, relative to appropriating fifty thousand dollars by Congress for turning the river of San Diego into False Bay and otherwise to improve the Harbor of San Diego, report the same back and recommend its passage.

Also, Senate Bill No. 373—An Act authorizing the Board of State

Harbor Commissioners to lease the privilege of collecting dockage, wharfage and tolls on a portion of the water front of the City of San Francisco—report the same back without recommendation.

Also, Assembly Bill No. 391—An Act extending the time for the construction of the work provided for by an Act entitled an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns therein, approved April first, eighteen hundred and sixty-four—report the same back and recommend its passage.

Also, Assembly Bill No. 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County—made an amendment thereto, report it back and recommend its passage as amended.

Also, Senate Bill No. 387—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco—made five amendments thereto, report it back and recommend its passage as amended.

Also, Senate Bill No. 421—An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo—made an amendment thereto, report it back and recommend its passage as amended.

Also, Senate Bill No. 435—An Act to authorize William Bibler to construct a wharf in Petaluma Creek—report the same back and recommend its passage.

Also, Senate Bill No. 442—An Act to confer certain powers upon the Board of State Harbor Commissioners—made four amendments thereto, report it back and recommend its passage as amended.

Also, Assembly Bill No. 348—An Act to authorize Antonio Giorgiana and Paul Torre, their associates and assigns, to maintain a wharf on lands in Alameda County—report the same back and recommend its passage.

MIZNER, Chairman.

Mr. Pratt asked for and was granted one day's time to submit a minority report from the Committee on Commerce and Navigation, relative to Senate Bill No. 387.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 245—An Act to amend an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty—having had the same under consideration, report it back and recommend its passage.

Also, Assembly Bill No. 246—An Act to amend an Act entitled an Act in relation to probate sales, approved April second, eighteen hundred and sixty-six—report it back and recommend its passage.

Also, Assembly Bill No. 46—An Act to repeal the Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County—report the same back without recommendation.

Also, Senate Bill No. 131—An Act to fix the compensation of the District Attorney of the County of Santa Cruz and to repeal all former Acts in relation thereto—report the same back without recommendation.

Also, Senate Bill No. 84—An Act to fix the salary of the District Attorney of the County of Santa Barbara—report the same back with an amendment, without recommendation.

Also, substitute for Assembly Bill No. 370—An Act to establish a Court in the City and County of San Francisco, to be called the San Francisco Criminal Court—report the same back and recommend that it be indefinitely postponed.

BELDEN, Chairman.

PETITION.

The rules were suspended and Mr. Pearce had leave to introduce the following petition, which was ordered spread upon the Journal.

To the Honorable the Senate of the State of California :

The petition of Thomas Mooney, President of the Builders' Insurance Company, respectfully sheweth :

That petitioner is President of the Builders' Insurance Company ;

That an honorable member of your body has (as appears in reports in the public papers) asserted in debate on the Insurance Commissioner Bills that the Builders' Insurance Company had only nine hundred dollars to meet its insurance liabilities ;

That said assertion is unfounded in fact and injurious to our company ;

That the actual cash capital paid into the stock of the Builders' Insurance Company is fifty-seven thousand nine hundred and forty-one dollars and seventy cents ;

That the surplus of premiums in hand, over and above all claims and losses paid, is forty-three thousand dollars—making a total of one hundred thousand nine hundred and forty-one dollars and seventy cents ;

That seventy-five thousand dollars of this money is lodged at call in the California Building and Savings Bank, a company established seven years in this city, and in good repute ;

That the remainder of the assets are the promissory notes and liabilities of persons insured with the company, which are not yet at maturity ;

Praying that the substance of the petition be spread upon the minutes of your honorable body, your petitioner will ever pray.

THOMAS MOONEY, President.

H. N. HERBERT, Secretary.

Subscribed and sworn to before me this eleventh day of March, A. D. eighteen hundred and sixty-eight.

J. W. McKENZIE, Notary Public.

[Notarial seal.]

REPORTS.

Mr Green submitted a report from the Committee on Commerce and Navigation, relative to Senate Bill No. 473—An Act to provide grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroads, and other matters relating thereto.

On motion of Mr. Pratt, the bill was made the special order for Saturday, March fourteenth, eighteen hundred and sixty-eight, at two o'clock P. M.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT : The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 10—An Act to improve the Tuolumne and Merced Rivers, for rafting logs and timber ;

Also, Senate Bill No. 13—An Act to exempt certain property from execution ;

Also, Senate Bill No. 92—An Act to provide for the payment of the indebtedness of Lassen County ;

Also, Senate Bill No. 94—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals ;

Also, Senate Bill No. 153—An Act concerning insane convicts at the State Prison ;

Also, Senate Bill No. 261—An Act to provide funds for the school department of the City of Oakland, and to authorize the payment of certain present indebtedness ;

Also, Senate Bill No. 307—An Act granting leave of absence to George N. Whitman, District Attorney of Mono County, and Thomas Laspeyre, District Attorney of Kern County ;

Also, Senate Bill No. 315—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

And this day, at ten o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Ewer, from the Committee on Claims, verbally reported recommending the passage of Senate Bill No. 485—An Act for the relief of Anna Lee.

The rules were suspended, bill considered engrossed, read a third time and passed ; rules further suspended, and bill ordered immediately transmitted to the Assembly.

Mr. Green, from the Contra Costa delegation, made the following report :

MR. PRESIDENT : Your Committee to whom was referred Assembly Bill No. 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa—have had the same under consideration, report it back with amendments and recommend that it do pass as amended.

GREEN, for Delegation.

Mr. Johnson verbally reported Senate Bill No. 452, with a substitute, recommending the passage of the substitute.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, March 11th, 1868.

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 219—An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session.

Also, Senate Bill No. 66—An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the high lands.

Also, Senate Bill No. 75—An Act to fix the time for electing Representatives to Congress.

H. H. HAIGHT,
 Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, March 11th, 1868.

To the Senate of the State of California :

I herewith return to your honorable body for correction, substitute for Senate Bill No. 147—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteen, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, and approved March twenty-fourth, eighteen hundred and sixty-six—as requested by Senate Concurrent Resolution No. 65.

H. H. HAIGHT, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }
 March 12th, 1868.

Mr. PRESIDENT : The Assembly on this day concurred in Senate Concurrent Resolution No. 65, in regard to re-enrolment of Senate Bill No. 147.

J. A. EAGAN,
 Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 336, above reported, was read first and second times and referred to the San Mateo delegation.

Assembly Bill No. 421, above reported, was read first and second times and referred to the Committee on Public Morals.

CONSIDERATION OF ASSEMBLY MESSAGES RECEIVED ON WEDNESDAY.

Assembly Bill No. 209 was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 478 was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 416 was read first and second times and referred to Committee on Counties and County Boundaries.

Assembly Bill No. 390 was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 579 was read first and second times and referred to the Committee on Claims.

Assembly Concurrent Resolution No. 32 was read first and second time; rules suspended, read a third time and concurred in.

Assembly Bill No. 365 was read first and second times and referred to the Contra Costa delegation.

Assembly Bill No. 440 was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 107 was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 57 was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 562 was read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 540 was read first and second times and referred to the Los Angeles delegation.

The Senate concurred in the Assembly amendments to Senate Bill No. 228.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Hager—An Act to authorize the Italian Mutual Benevolent Association to change its name.

Read first and second times and placed on file.

By Mr. Heacock—An Act to authorize the Board of Supervisors of the County of Sacramento to audit and allow a certain claim.

Read first and second times and placed on file.

By Mr. Lewis—An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama and to provide for the collection of taxes therein.

Read first and second times and placed on file.

By Mr. Green—An Act granting to the San Francisco and Humboldt Bay Railroad Company the right to construct a railroad track, with side tracks, in the County of Marin.

Read first and second times and referred to the Committee on Corporations.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Kincaid, Assembly Bill No. 336 was ordered on file for to-morrow.

On motion of Mr. Mandeville, the rules were suspended for the reception of the following report:

Mr. Heacock, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT: The Committee on Mileage, to whom was referred Senate resolution relative to the per diem and mileage of the clerk of the Senate Hospital Committee, have had the same under consideration, and report the same back with a substitute and recommend the adoption of the substitute, as follows:

Resolved, That L. Hubbard be allowed the sum of ninety-five dollars for nineteen days service as clerk of the Senate Hospital Committee, and the further sum of one hundred and twenty dollars as mileage for six hundred miles actually travelled by him in the discharge of his duties as clerk of such committee, making a total of two hundred and fifteen dollars, payable out of the Contingent Fund of the Senate, and that the Controller of State draw his warrant therefor upon the State Treasurer, and that the Treasurer pay the same.

HEACOCK, Chairman.

Mr. Conly moved to reconsider the vote whereby the Senate on yesterday made Senate Bill No. 377 the special order for Wednesday, March eighteenth, eighteen hundred and sixty-eight.

Mr. Mandeville moved to make the motion to reconsider the special order for Wednesday next, at two o'clock p. m.

The President pro tem. (Mr. Mizner), ruled that no motion to reconsider could be taken, only on a vote making a final disposition of the subject matter.

GENERAL FILE.

Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

Temporarily passed on file.

The rules were suspended, and Mr. Pendegast had leave to introduce the following resolution :

Resolved, That the Sergeant-at-Arms be directed to lower the flag on the Capitol to half-mast as a token of the respect of the Senate for the late Henry Hare Hartley.

Unanimously adopted.

Assembly Bill No. 193—An Act to create the Seventeenth Judicial District.

Read third time.

On the passage of the bill the roll was called, with the following result :

AYES—Messrs. Bradley, Chappell, Conly, Conn, Freeman, Green, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tweed, Wolcott—30.

NOES—Messrs. Ewer, Murch, Robinson—3.

So the bill was passed.

Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

The bill was amended.

Mr. Shaw moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Shaw, Mandeville and Murphy.

The vote was as follows :

AYES—Messrs. Hager, Hunter, Johnson, Kincaid, Mandeville, Mizner, Morrill, Murphy, Saunders, Shaw, Tabbs, Wadsworth—12.

NOES—Messrs. Bradley, Chappell, Green, Heacock, Lawrence, McDougall, Pratt, Roberts, Robinson, Rose, Tweed, Wolcott—12.

So the Senate refused.

Leave of absence was granted to Messrs. Lewis, Pearce and Conn for the balance of the day.

Mr. Johnson moved a call of the Senate.

Lost.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Pearce, Mandeville and Shaw.

The vote was as follows :

AYES—Messrs. Bradley, Chappell, Conly, Green, Heacock, Lawrence, McDougall, Pratt, Roberts, Robinson, Rose, Tweed, Wolcott—13.

NOES—Messrs. Hager, Hunter, Johnson, Kincaid, Mandeville, Mizner, Morrill, Murch, Murphy, Pendegast, Saunders, Shaw, Tubbs, Wadsworth—14.

So the Senate refused.

On motion of Mr. Lawrence, the Senate took a recess of half an hour.

REASSEMBLED.

The Senate was called to order at two o'clock P. M.

President pro tem. in the chair.

Roll called.

Quorum present.

GENERAL FILE.

The Senate resumed the consideration of the general file, interrupted by the recess.

Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California and the publication thereof.

Mr. Mandeville moved to suspend the rules, consider the bill engrossed and place it on its final passage.

Lost.

Mr. Heacock offered the following amendment to the bill: Amend section first by striking out the name Solomon Hydenfeldt and inserting in lieu thereof the name of J. B. Harmon.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Heacock, Bradley and Wadsworth.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Conly, Ewer, Green, Hardy, Heacock, Maclay, Murch, Pendegast, Perley, Roberts, Robinson, Rose, Teegarden, Tubbs, Wadsworth, Wolcott—19.

NOES—Messrs. Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Mandeville, McDougall, Mizner, Morrill, Murphy, Saunders, Shaw—13.

So the amendment was adopted.

Mr. Heacock offered the following amendment: Add to the end of section seventh :

"Provided no compensation whatever be allowed to the Commissioners exceeding the sum of five thousand dollars each until the duties devolving upon them under the provisions of this Act shall have been fully performed and completed by them and reported to the Legislature."

Adopted.

Mr. Hager moved to recommit the bill to the Judiciary Committee, with the following special instructions: To report a substitute authorizing a Commission to compile the laws of the State, which Commission shall also have power to recommend to the next Legislature such additions, amendments, changes and alterations in such laws as, in its opinion, may be deemed advisable.

Lost.

Messrs. Mandeville, Morrill and Hager demanded the ayes and noes on ordering the bill engrossed.

The vote was as follows:

AYES—Messrs. Chappell, Freeman, Green, Hardy, Heacock, Hunter, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Roberts, Rose, Shaw, Tegarden, Wolcott—19.

NOES—Messrs. Beach, Belden, Bradley, Conly, Conn, Ewer, Hager, Johnson, Mizner, Murch, Pendegast, Perley, Robinson, Saunders, Tubbs, Wadsworth—16.

So the bill was ordered engrossed.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 485—An Act for the relief of Anna Lee.

WADSWORTH, Chairman.

GENERAL FILE RESUMED.

Senate Bill No. 379—An Act to circulate information relative to the resources of the State of California.

Laid on the table.

Mr. Johnson gave notice that he would, on to-morrow, move a reconsideration of the vote whereby the Senate on this day refused to order engrossed Senate Bill No. 72.

Senate Bill No. 316—An Act to repeal an Act to authorize the County Treasurer of the Counties of Napa, Lake and Mendocino to collect and receive certain public moneys as revenue.

Amended and ordered engrossed.

Senate Bill No. 124—An Act for the relief of the City of Benicia.

On the passage of the bill, the ayes and noes were demanded by Messrs. Johnson, Tweed and Bradley.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Freeman, Hager, Ilacock, Lawrence, Maclay, McDougall, Mizner, Morrill, Murch, Pendegast, Perley, Roberts, Rose, Wadsworth, Wolcott—20.

NOES—Messrs. Green, Hardy, Hunter, Johnson, Kincaid, Mandeville, Robinson, Saunders, Shaw, Teegarden, Tweed—11.

So the bill was passed.

Mr. Pendegast gave notice of a motion for a reconsideration of the vote.

On motion of Mr. Pendegast, the vote whereby the Senate on this day ordered engrossed Senate Bill No. 316—An Act to repeal an Act to authorize the County Treasurer of the Counties of Napa, Lake and Mendocino to collect and receive certain public moneys as revenue—was reconsidered.

The rules were suspended, the bill considered engrossed, read third time and passed.

REPORTS.

The rules were also suspended for the following :

Mr. Shaw, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 353, report the same back and recommend its passage, after the same has been amended by the adoption of the amendment herewith reported.

SHAW, for Delegation.

Mr. Shaw, from the San Francisco delegation, made the following report :

MR. PRESIDENT: A majority of the San Francisco delegation report back without recommendation, Assembly Bill No. 476.

SHAW, for Delegation.

Mr. Murphy introduced an amendment to the Standing Rules of the Senate.

Laid over one day, under the rules.

On motion of Mr. Johnson, the Senate took up the amendment to the Standing Rules of the Senate, introduced by him on yesterday, relative to the time of meeting, etc.

On motion of Mr. Pendegast, laid on the table.

RESOLUTION.

Mr. Roberts introduced the following resolution :

Resolved, That there shall be a recess of the Senate every day, from one o'clock P. M. until two o'clock P. M.; that after such recess, the consideration of the general file shall be resumed and continued until four o'clock; and that the hour of daily adjournment shall be five o'clock P. M., unless otherwise ordered by vote of the Senate.

Adopted.

On motion of Mr. Pendegast, Senate Bill No. 296 was ordered placed on top of file for Friday next.

Mr. Morrill offered an amendment to the Standing Rules of the Senate. Laid over one day, under the rules.

INTRODUCTION OF BILLS.

The rules were suspended for the introduction of the following bills, without notice:

By Mr. Maclay—An Act conferring certain powers upon the Board of Supervisors of the County of Santa Clara.

Read first and second times and referred to the Judiciary Committee.

By Mr. Mandeville—An Act in relation to the duties of Assessors and Collectors of Tuolumne County.

Read first and second times and placed on file.

GENERAL FILE RESUMED.

Senate Bill No. 155—An Act to provide for the payment of interpreters in the Courts of justice, in criminal cases, in San Mateo County.

Read a third time and passed.

Senate Bill No. 286 (substitute for Senate Bills Nos. 24, 156 and 209)—An Act to appropriate money to pay the outstanding Indian War bonds of the State of California issued since January, eighteen hundred and fifty-four, under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Read a third time and passed.

Senate Bill No. 361—An Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, and entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto.

Read a third time and passed.

Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 134—An Act in relation to the county officers in the County of Sierra.

Substitute adopted and passed on file.

Substitute for Senate Bill No. 263—An Act for the relief of J. D. Patterson.

On the passage of the bill, Messrs. Tweed, Chappell and Bradley demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Chappell, Freeman, Green, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Perley, Rose, Tweed, Wolcott—18.

NOES—Messrs. Conly, Ewer, Hardy, Heacock, Murch, Pearce, Roberts, Robinson, Tubbs, Wadsworth—10.

So the bill was passed.

Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

By unanimous consent, the vote by which the bill was ordered engrossed was reconsidered.

Mr. Heacock moved to recommit with special instructions.

Lost.

Rules suspended, bill considered engrossed, read a third time and passed.

The rules were again suspended, and Mr. Ewer had leave to introduce a bill—An Act to aid in giving effect to an Act of Congress, relating to the California and Oregon Railroad Company.

Read first and second times and placed on file.

On motion of Mr. Hager, Senate Bill No. 185 was ordered placed third on file for to-morrow.

On motion of Mr. Hardy, Senate Bill No. 349—An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto—was taken up.

Pending consideration of the bill, Mr. Belden moved that when the Senate adjourn to-day it adjourn to meet at eleven o'clock to-morrow.

Carried.

Mr. Tweed moved to suspend the rules and place the bill on its final passage.

Carried.

The bill was then read a third time and passed.

By operation of a rule this day adopted, at five o'clock p. m. the Senate stood adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Friday, March 13th, 1868. }

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

MOTION TO RECONSIDER.

Mr. Johnson, pursuant to notice, moved to reconsider the vote whereby the Senate on yesterday refused to order engrossed Senate Bill No. 72—

An Act to define and settle the limits and boundaries of the County of Marin.

Messrs. Hager, Saunders and Hunter demanded the ayes and noes.
The vote was as follows :

AYES—Messrs. Banning, Bradley, Chappell, Curtis, Green, Heacock, Johnson, Lawrence, Maclay, Mizner, Morrill, Pearce, Perley, Robinson, Rose, Teegarden, Tweed, Wolcott—18.

NOES—Messrs. Conn, Hager, Hunter, McDougall, Murch, Pendegast, Saunders, Tubbs—8.

So the motion prevailed.

The question then being on ordering the bill engrossed, the ayes and noes were demanded by Messrs. Hager, Curtis and Saunders.

The vote was as follows :

AYES—Messrs. Banning, Chappell, Curtis, Freeman, Green, Heacock, Johnson, Lawrence, Maclay, Morrill, Pearce, Perley, Robinson, Rose, Tweed, Wolcott—16.

NOES—Messrs. Conn, Hager, Hardy, Hunter, Kincaid, Mandeville, McDougall, Mizner, Murch, Pendegast, Saunders, Teegarden, Tubbs, Wadsworth—14.

So the bill was ordered engrossed.

PETITIONS.

Petitions were presented, as follows :

By Mr. Wolcott—Of citizens of San Joaquin County, protesting against the repeal of the present Game Law.

Read and referred to the Tuolumne delegation.

By Mr. Curtis—Of citizens of Placer County, remonstrating against the passage of an Act reducing fare and freight on the Central Pacific Railroad.

Read and referred to the Committee on Corporations.

By Mr. Tweed—Of citizens of Placer County, remonstrating against the passage of an Act reducing fare and freight on the Central Pacific Railroad.

Read and referred to the Committee on Corporations.

By Mr. Lawrence—Of citizens of Stanislaus County, remonstrating against the passage of a bill creating a new county on the west branch of the San Joaquin River, etc.

Read and referred to the Committee on Counties and County Boundaries.

REPORT.

Mr. Tubbs, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT: The Finance Committee, to whom was referred substitute for Senate Bill No. 263—An Act to encourage the development of the iron mines of California—having had the same under consideration, report it back with an amendment, and without recommendation.

Also, Senate Bill No. 389—An Act to appropriate money to erect a

monument to the memory of General George Wright—report the same back with a recommendation that it do not pass.

Also, Assembly Bill No. 229—An Act entitled an Act to amend an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six—report the same back and recommend its passage.

TUBBS, Chairman.

Mr Wadsworth, Chairman of the Committee on Contingent Expenses, reported as follows:

Mr. PRESIDENT: The Committee on Contingent Expenses have examined and found correct the following accounts, to wit:

Accounts.	Amount.
Sacramento Daily Union, forty-two copies, ten weeks.....	\$210 00
Daily Examiner, twenty-seven copies, thirteen weeks.....	148 50
Daily Alta, ten copies, thirteen weeks.....	65 00
Daily Bulletin, fourteen copies, thirteen weeks.....	167 75
Daily Times, seventeen copies, nine weeks.....	76 50
Daily Bee, two copies, nine weeks.....	5 40
Daily Independent, three copies, thirteen weeks.....	19 75
Pacific, one copy for session.....	3 00
New Age, one copy for session.....	3 00
Woodbridge Messenger, one copy for session.....	3 00
Yolo County Democrat, three copies for session.....	9 00
Union Democrat, six copies for session.....	18 00
Weekly Mercury, five copies for session.....	15 00
Mariposa Mail, three copies for session.....	9 00
Mountain Messenger, three copies for session.....	9 00
Dutch Flat Enquirer, twenty-five copies for session.....	63 00
Quincy Union, two copies for session.....	6 00
Tulare Times, three copies for session.....	9 00
Trinity Journal, nine copies for session.....	27 00
Alameda County Gazette, one copy for session.....	3 00
Solano Herald, four copies for session.....	12 00
Marin Journal, two copies for session.....	6 00
Yreka Union, one copy for session.....	3 00
Bernard Dennery, crockery, etc.....	93 50
George W. Dixon, one copy of Hittell's Digest.....	20 00
C. Rave, locks and keys.....	12 50
A. C. Bidwell, coal and wood.....	209 47
Daniel W. Clark, gas pipes, repairing, etc.....	31 21
Thomas Ross, brooms, pails and matches.....	22 50
Justin Gates & Brother, oils, soap, etc.....	17 00
John Breuner, furniture and repairs.....	54 50
D. S. Townsend, rent for looking glasses.....	30 00
G. C. Hall, towels.....	5 50
F. S. Lardner, fuel and drayage.....	25 00
Locke & Lavenson, matting, etc.....	29 42

Accounts,	Amount.
G. H. Swinerton, rent.....	25 00
W. F. Knox, rent.....	115 00
A. Heilbron & Co., rent.....	200 00
Mrs. R. L. Jones, rent.....	50 00
Edward Cadwalader, rent.....	40 00
Total.....	\$1,871 49

And recommend the adoption of the following resolution :

Resolved, That the Controller of State be and he is hereby required to draw his warrants on the Contingent Fund of the Senate in favor of the above named parties for the amounts specified, and the Treasurer be required to pay the same.

WADSWORTH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six ;

Also, Senate Bill No. 262—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland ;

Also, Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County ;

Also, Senate Bill No. 317—An Act concerning the Board of Supervisors of Napa County ;

Also, Senate Concurrent Resolution No. 45, relative to railroad lands ;

And this day, at ten o'clock and forty minutes A. M., presented the same to the Governor for his approval.

And the Committee have examined and find correctly enrolled, Senate Concurrent Resolution No. 64, requesting the Governor to return Senate Bill No. 147 for correction.

MURCH, Chairman.

Mr. Wolcott, Chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Assembly Bill No. 313—An Act authorizing the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land, to be used as a public graveyard—have had the same under consideration, report it back and recommend its passage.

Your committee further recommend that the petition of Antonio Prieto and others be respectfully returned to the Assembly.

WOLCOTT, Chairman.

Mr. Green, from the Contra Costa delegation, made the following report:

MR. PRESIDENT: Your Committee, to whom was referred Assembly Bill No. 365—An Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed January thirty-first, eighteen hundred and sixty-six—have had the same under consideration and report the bill back and recommend its passage.

GREEN, for Delegation.

Mr. Pearce, from the Sonoma delegation, made the following report:

MR. PRESIDENT: The delegation from Sonoma, to whom was referred Senate Bill No. 440—An Act to re-incorporate the City of Petaluma—have had the same under consideration and respectfully report the bill back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

PEARCE, for Delegation.

On motion of Mr. Pearce, the rules were suspended, and Senate Bill No. 440, above reported, was taken up and amendments of delegation adopted.

The rules were suspended, bill considered engrossed, read third time and passed.

On motion of Mr. Teegarden, the rules were suspended, and Assembly Bill No. 313—An Act to authorize the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land, to be used as a public graveyard—was taken up.

The rules were further suspended, and the bill was read a third time and passed.

Mr. Saunders, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bills under consideration, report the same back and respectfully recommend their passage:

Assembly Bill No. 197—An Act to authorize the County Recorder of the City and County of San Francisco to appoint an additional deputy.

Senate Bill No. 388—An Act to confer power upon the Board of Supervisors of the City and County of San Francisco.

SAUNDERS, for Delegation.

Mr. Tubbs, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bill under consideration and report the same back without recommendation:

Senate Bill No 352—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

Also, Senate Bill No. 276, and recommend its passage as amended.

TUBBS, for Delegation.

On motion of Mr. Tubbs, the rules were suspended, and Senate Bill No. 276, above reported, was taken up, the amendments of the delegation adopted, and the bill read a third time and passed.

The rules were further suspended, and the bill was ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 12th, 1868. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 314—An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No. 378—An Act to provide for the levying and collecting of a special tax to be used in the construction of bridges in the County of Tehama.

Also, Senate Bill No. 291—An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California.

Also, Senate Bill No. 6—An Act to provide for the payment of certain unredeemed State indebtedness.

Also, Senate Bill No. 94—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two.

H. H. HAIGHT, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
March 12th, 1868. }

Mr. PRESIDENT: The Assembly on the ninth instant passed Assembly Bill No. 233—An Act to amend sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty and four hundred and forty-two of the Civil Practice Act, in relation to proceedings to perpetuate testimony.

Also, Assembly Bill No. 537—An Act supplemental to and amendatory of an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company.

Also, Assembly Bill No. 273 (substitute)—An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time for performing certain acts.

Also, Assembly Bill No. 250—An Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five.

Also, Assembly Bill No. 523 (substitute)—An Act to fix the compensation of grand and trial jurors in the County of Tulare.

Also, Assembly Bill No. 565—An Act to grant to Frederick W. Knelp, Theodore Riser, A. Langenberger and others, the right to construct a wharf in the County of Los Angeles.

Also, on the seventh instant, Assembly Bill No. 234 (substitute)—An Act in relation to the funded indebtedness of Calaveras County, and to provide for the funding of unpaid claims against said county.

Also, Assembly Bill No. 533—An Act to confer certain powers upon the Sacramento Gas Company and others.

Also, Assembly Bill No. 51—An Act to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses in Sacramento County.

Also, on the fourth instant, Assembly Bill No. 213 (substitute for Senate Bill No. 90)—An Act to authorize the Governor of the State of California to appoint a Weigher and Gauger of Wines and Liquors.

J. A. EAGAN, Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 233, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 537, above reported, was read first and second times and referred to the Los Angeles delegation.

Assembly Bill No. 556, above reported, was read first and second times and referred to the Los Angeles delegation.

Assembly Bill No. 273, above reported, was read first and second times and referred to the San Diego delegation.

Assembly Bill No. 520, above reported, was read first and second times and referred to the Santa Clara delegation.

Assembly Bill No. 523, above reported, was read first and second times and placed on file.

Assembly Bill No. 234, above reported, was read first and second times and placed on file.

Assembly Bill No. 533, above reported, was read first and second times and referred to the Sacramento delegation.

Substitute for Senate Bill No. 213, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

On motion of Mr. Kincaid, the rules were suspended, and Assembly Bill No. 127—An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz—was taken up out of its order.

The question being on its passage, the ayes and noes were demanded by Messrs. Murphy, Mandeville and McDougall.

The vote was as follows:

AYES—Messrs. Banning, Belden, Chappell, Curtis, Hager, Hardy, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Morrill, Pearce, Pendegast, Perley, Robinson, Rose, Saunders, Teegarden, Tweed—21.

NOES—Messrs. Beach, Bradley, Conly, Conn, Heacock, Mandeville, McDougall, Murch, Murphy, Roberts, Wadsworth, Wolcott—12.

So the bill was passed.

Mr. Morrill was granted leave of absence until Tuesday next.

Mr. Mandeville moved to suspend the rules and take from the file Assembly Bill No. 371 (substitute for Senate Bill No. 371)—An Act to authorize and direct the Board of State Harbor Commissioners to execute and deliver a lease of a portion of the water front of San Francisco to the Merchants' Floating Dry Dock Company.

Messrs. Mandeville, Robinson and Pearce demanded the ayes and noes on suspending the rules.

The vote was as follows :

AYES—Messrs. Beach, Chappell, Conn, Hager, Hardy, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Mizner, Murch, Murphy, Pearce, Pendegast, Rose, Teegarden, Tubbs, Tweed—21.

NOES—Messrs. Belden, Bradley, Conly, Curtis, Heacock, Perley, Roberts, Robinson, Saunders, Wadsworth, Wolcott—11.

Not two thirds voting in the affirmative, the motion was lost.

GENERAL FILE.

The hour of twelve o'clock M. having arrived, the Senate proceeded to consider the general file (the special order).

Senate Bill No. 296—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco.

Amendments of committee adopted.

Pending further consideration thereon, the Senate took the usual daily recess.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of Senate Bill No. 296, interrupted by the recess.

The question being on suspending the rules to consider the bill engrossed, the ayes and noes were demanded by Messrs. Johnson, Mandeville and Hager.

The vote was as follows :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Green, Hager, Hardy, Heacock, Hunter, Kincaid, Lewis, Maclay, Mizner, Pendegast, Perley, Robinson, Rose, Saunders, Tubbs, Tweed, Wadsworth—25.

NOES—Messrs. Freeman, Johnson, Mandeville, McDougall, Murch, Murphy, Pearce, Roberts, Wolcott—9.

So the rules were suspended.

On the passage of the bill, Messrs. Mandeville, Johnson and Murphy demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Banning, Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Hunter, Kincaid, Lewis, Maclay, Mizner, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Tubbs, Tweed, Wadsworth—27.

NOES—Messrs. Johnson, Mandeville, McDougall, Murch, Murphy, Pearce, Wolcott—7.

So the bill was passed.

Senate Bill No 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

Considered in Committee of the Whole and amended.

IN SENATE.

Reported amendment adopted.

Mr. Mandeville moved to place the bill on the top of the file for Monday next.

Mr. Mizner moved the previous question, which was seconded.

The main question being ordered, was put and sustained.

On the motion to place the bill on top of the file for Monday next, the ayes and noes were demanded by Messrs. Mandeville, Chappell and Lewis.

The vote was as follows:

AYES—Messrs. Banning, Hardy, Hunter, Johnson, Mandeville, McDougall, Murphy, Tubbs, Tweed—9.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Heacock, Kincaid, Lawrence, Lewis, Maclay, Mizner, Murch, Pearce, Perley, Roberts, Robinson, Rose, Saunders, Teegarden, Wadsworth, Wolcott—26.

So the motion was lost.

Mr. Mandeville offered an amendment, to add, at the end of section four:

"Provided, the provisions of this Act shall not interfere with vested rights."

Lost.

On suspending the rules, and considering the bill engrossed and placing it on its passage, the ayes and noes were demanded by Messrs. Johnson, Mandeville and Lewis.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Heacock, Kincaid, Lawrence, Lewis, Maclay, Mizner, Murch, Perley, Rose, Saunders, Teegarden, Wadsworth—21.

NOES—Messrs. Banning, Belden, Hardy, Hunter, Johnson, Mandeville, Murphy, Pearce, Roberts, Robinson, Tubbs, Tweed, Wolcott—13.

So the Senate refused.

On ordering the engrossment of the bill for a third reading, the ayes and noes were demanded by Messrs. Johnson, Curtis and Green.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Heacock, Kincaid, Lawrence, Lewis, Maclay, Mizner, Murch, Perley, Rose, Saunders, Teegarden, Wadsworth—21.

NOES—Messrs. Banning, Belden, Hardy, Hunter, Johnson, Mandeville, McDougall, Murphy, Pearce, Roberts, Robinson, Tubbs, Tweed, Wolcott—14.

Assembly Bill No. 134 was passed on file.

Substitute for Senate Bill No. 146—An Act to encourage the planting and cultivation of shade trees upon the public roads and highways of this State.

Read a third time and passed.

Assembly Bill No. 288—An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools.

Read a third time and passed.

Assembly Bill No. 412—An Act to repeal an Act entitled an Act to incorporate the Town of Hornitas, approved April eighth, eighteen hundred and sixty-one.

Read a third time and passed.

Assembly Bill No. 109—An Act amendatory of and supplementary to an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Substitute adopted; rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Assembly Bill No. 329—An Act to incorporate the Santa Cruz Savings Bank

Indefinitely postponed.

REPORTS.

Mr. Hager had leave to verbally report, recommending the passage of Assembly Bill No. 479—An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State.

On motion of Mr. Hager, the rules were suspended, and the bill read a third time and passed.

The rules were again suspended, and Mr. Mizner had leave to make the following report:

MR. PRESIDENT: Your Committee on Commerce and Navigation, having had under consideration Assembly Bill No. 356—An Act declaring navigable a certain creek in section thirty-six, township three south, range three west, Mount Diablo meridian;

Also, Senate Bill No. 394—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-third, eighteen hundred and sixty-three;

Also, Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries—recommend the passage of the same.

The committee also recommend that the following bills be severally indefinitely postponed:

Senate Bill No. 425—An Act authorizing T. B. Jones and others to build a wharf adjoining their lands in the Central Park Homestead Asso-

ciation, said lands lying in a southeasterly direction from Islais Creek, in the City and County of San Francisco.

Also, Senate Bill No. 383—An Act to authorize the sale and conveyance to Henry J. Booth, A. E. Head, Chauncey B. Land, Charles Land, Thomas Jones, A. L. Greeley, Abner Doble, William Blanding, T. B. Howard, G. W. Prescott, their associates and assigns, of certain overflowed lands in the City and County of San Francisco.

Also, Senate Bill No. 354—An Act to provide for the sale of overflowed and tide lands to certain homestead and other associations in the City and County of San Francisco.

The committee also report, without any recommendation, Assembly Bill No. 491—An Act to provide for the improvement of that part of Carson River situated in Alpine County, and for that purpose granting to the Board of Supervisors of said Alpine County the right to charge and collect tolls for the floating and transportation of wood, sawlogs and lumber down the said portion of Carson River.

MIZNER, Chairman.

Mr. Mizner, from the Solano delegation, made the following report :

MR. PRESIDENT: The Solano delegation, to whom was referred Assembly Bill No. 499—An Act to fix the time for holding the County Court and Probate Court in the County of Yolo—have had the same under consideration, report it back and recommend its passage.

MIZNER, for Delegation.

Senate Bill No. 90, reported from Assembly, was taken up and referred to the Finance Committee.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows :

By Mr. Maclay—An Act to protect the rights of owners of lands bounded by the shore of the sea, or its bays, inlets or coves.

Read first and second times and referred to Committee on Commerce and Navigation.

By Mr. Hager (by request)—An Act to provide terminal depot grounds for the Central Pacific Railroad.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Banning—An Act to authorize the Mayor and Common Council of Los Angeles City to grant or donate lands to the Los Angeles Canal and Reservoir Company, and ratifying any such grant or donation heretofore made by them.

Read first and second times and referred to the Los Angeles delegation.

Also, an Act entitled an Act to amend an Act entitled an Act to authorize Charles M. Benbrook, Samuel Maben and Marcus D. Brundige to construct and maintain a turnpike road from Wiley's Rancho to Wilcox Springs, in Los Angeles County.

Read first and second times and referred to the Committee on Corporations.

Also, an Act entitled an Act to confirm certain sales of land made by the Mayor and Common Council of the City of Los Angeles, at auction, in conformity with the ordinances of said city.

Read first and second times, and referred to the Committee on Public Lands.

Also, an Act to ratify and confirm an ordinance passed by the Mayor and Common Council of Los Angeles City, April twenty-ninth, eighteen hundred and sixty-four, entitled "an ordinance to provide for the payment of the construction of a new *zanja*," and the conveyance pursuant thereto.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hardy—An Act to provide for the holding of State Fairs.

Read first and second times and referred to the Committee on Agriculture.

Mr. Mandeville in the chair.

By Mr. Mizner—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of this State, certain rights and privileges.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Curtis—An Act for the relief of S. D. Smith.

Read first and second times and referred to the Committee on Claims.

Also, an Act relative to the care and management of the State Burial Ground, and making an annual appropriation therefor.

Read first and second times and referred to the Committee on Finance, with instructions to report as soon as possible.

By Mr. Robinson—An Act conferring further powers upon the Harbormaster of the Port of San Francisco.

Read first and second times.

Mr. Robinson moved to suspend the rules and place the bill on its final passage.

Lost.

Mr. Robinson then moved to place the bill on top of the file for tomorrow.

Lost.

The bill was then ordered placed on file.

MOTIONS AND RESOLUTIONS.

Mr. Tweed introduced the following resolution :

Resolved, That double the usual number of copies of the testimony and exhibits taken before the Committee on Corporations, relating to the matter of fares and freights on the Central Pacific and other railroads in this State, be ordered printed.

Adopted.

On motion of Mr. Murphy, the Senate took up the following resolution, introduced by him yesterday :

Resolved, That no member shall be allowed to speak over five minutes upon any measure hereafter unless he is permitted by a majority of the Senate.

Lost.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Also, Senate Bill No 130—An Act to provide for the revision and codification of the laws of the State of California, and the publication thereof.

Also, Senate Bill No. 349—An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto.

Also, substitute for Senate Bill No. 316—An Act to provide for the collection of revenue in and for the County of Napa.

WADSWORTH, Chairman.

STANDING RULES.

On motion of Mr. Chappell, the following amendments to the Standing Rules of the Senate were taken from the table, read and adopted:

Resolved, That the Secretary of the Senate shall select from the general file of the Senate, as it may be composed at the adjournment on Saturday evening next, all bills of a local and special character, and place them in a file together, for consideration at evening sessions of the Senate, which shall be held every evening, commencing on Monday evening next, at seven and one half o'clock, and continue until the said file shall be disposed of; and bills on the general file shall remain for consideration every day, as provided in the rules. All bills reported by Senate Committees, or from the Assembly, and referred to the file, shall be separated by the Secretary according to their character, and included from day to day in the printed files. It is further

Resolved, That on and after Monday next, at half past seven o'clock p. m., the Senate will hold evening sessions for the consideration of the special file; and it is hereby provided that no other business unconnected with bills on the special file shall be considered during such evening sessions, except by a two thirds vote of the Senate.

RESOLUTIONS.

The rules were suspended, and Mr. Pendegast introduced the following resolution:

Resolved, That the sum of nine dollars be allowed to E. D. Pepper, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Teegarden introduced the following resolution:

Resolved, That double the usual number of copies of the report of the Committee on State Hospitals be printed.

Adopted.

Mr. Perley, by leave, verbally reported Senate Bill No. 477, recommending its passage and that it be ordered printed.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
March 13th, 1868. }

Mr. PRESIDENT: The Assembly, on the ninth instant, passed Assembly Bill No. 571—An Act amendatory of and supplemental to an Act entitled an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six.

Assembly Bill No. 534—An Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto.

Assembly Bill No. 306—An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey.

The House refused to concur in Senate amendments.

Also, passed Assembly Bill No. 662—An Act to correct a clerical error in section two of an Act entitled an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes, approved March sixth, eighteen hundred and sixty-eight.

Also, on the tenth instant, passed Assembly Bill No. 328—Substitute for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments.

Also, Assembly Bill No. 521—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a County Jail.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 13th, 1868. }

Mr. PRESIDENT: The Assembly on this day passed, under a suspension of the rules, Senate Bill No. 438—An Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 571, above reported, was read first and second times and referred to the Plumas delegation.

Assembly Bill No. 534, above reported, was read first and second times and placed on file.

Assembly Bill No. 662, above reported, was read first and second times and placed on file.

Assembly Bill No. 521, above reported, was read first and second times and referred to the Santa Clara delegation.

Assembly Bill No. 328, above reported, was read first and second times and referred to the Judiciary Committee.

The Senate refused to recede from its amendment to Assembly Bill No. 306, above reported.

The hour of five o'clock having arrived, the Senate stood adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, March 14th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Johnson moved to suspend the rules and take up the introduction of bills as the first order of business.

Lost.

On motion of Mr. Lewis, the rules were suspended, and Assembly Bill No. 662—An Act to correct a clerical error in section two of an Act entitled an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes, approved March sixth, eighteen hundred and sixty-eight—was taken up, read a third time and passed.

PETITIONS.

Petitions were presented, as follows:

By Mr. Saunders—Of a committee appointed by the California Academy of Science, praying that the State Geological Survey may be continued to completion, etc.

Read and referred to the Finance Committee.

By Mr. Curtis—Of the Board of Directors of the Sacramento Howard Benevolent Association, soliciting an appropriation to aid the Association, etc.

Read and referred to the Finance Committee.

REPORTS.

Mr. Tubbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee have had the following bill under consideration, report the same back, and respectfully recommend its passage: Senate Bill No. 504—An Act relative to the care and man-

agement of the State Burial Ground, and making an annual appropriation therefor.

TUBBS, Chairman.

Mr. Tweed, Chairman of the Committee on Public Morals, made the following report:

MR. PRESIDENT: The Committee on Public Morals, to which was referred Senate Bill No. 51—An Act entitled an Act to prevent seduction—have had the same under consideration and report the same back as amended and recommend its passage.

Also, Senate Bill No. 117—An Act entitled an Act to amend section seven of an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty—and recommend that it do not pass.

Also, Senate Bill No. 348—An Act entitled an Act to amend section one of Article one hundred and thirty-six of an Act approved April sixteenth, eighteen hundred and fifty-nine, supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—and report the same without recommendation.

Also, Senate Bill No. 333—An Act entitled an Act for the observance of the Sabbath—and report the same back without recommendation.

TWEED, Chairman.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT: The Committee on Agriculture have had under consideration Assembly Bill No. 169 (substitute for Assembly Bill No. 122)—An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six—report it back and recommend its passage.

PERLEY, Chairman.

Mr. Tweed verbally reported back Assembly Bill No. 421, recommending its reference to the Committee on Corporations.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title;

Also, Senate Bill No. 147—An Act to amend an Act entitled an Act to provide for the establishment and protection of public and private roads, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six;

Also, Senate Bill No. 438—An Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin;

And this day, at ten o'clock and forty minutes A. M., presented the same to the Governor for his approval.

And the committee have examined and find correctly enrolled, Senate Concurrent Resolution No. 65, relative to correcting Senate Bill No. 147.

MURCH, Chairman.

Mr. Pendegast moved to suspend the rules and take up Assembly Bill No. 189, substitute for Assembly Bill No. 122, reported from the Committee on Agriculture.

Lost

Mr. Hardy verbally reported, recommending the passage of Assembly Bill No. 445—An Act to amend section thirty-eight of an Act regulating elections.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT : The Judiciary Committee, to whom was referred Senate Bill No. 410—An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven—having considered the same, report it back without amendments and recommend its passage.

Also, Senate Bill No. 433—An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven—report the same back and recommend its passage.

Also, Senate Bill No. 461—An Act to extend the time within which to complete a wagon road—report the same back and recommend its passage.

Also, Senate Bill No. 456—An Act to amend an Act relating to bills of exchange and promissory notes, passed April sixteenth, eighteen hundred and fifty—report the same back and recommend its passage.

Also, Assembly Bill No. 452—An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco and issuing process on the same—report the same back and recommend its passage.

Also, Senate Bill No. 422—An Act to authorize the guardian of certain minors to sell or mortgage their real estate—report the same back with an amendment and recommend its passage as amended.

Also, Assembly Bill No. 503—An Act to grant to Matthew Woods and his associates the right to construct and maintain a bridge across the Yuba River, in the County of Yuba, and to collect toll thereon—report the same back and recommend its passage.

BELDEN, Chairman.

On motion of Mr. Teegarden, the rules were suspended and Assembly Bill No. 503, above reported, was taken up, read third time and passed.

Mr. Ewer, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT : The Committee on Claims, to whom was referred Senate Bill No. 476—An Act for the relief of W. R. Crawford—having had the same under consideration, report back a substitute therefor and recommend the passage of the substitute.

Also, Assembly Bill No. 579—An Act for the relief of William Fitzpatrick—report the same back and recommend its passage, subject to

the approval of the San Francisco delegation; if not approved, to go to the San Francisco delegation.

Senate Bill No. 474—An Act for the relief of David L. Britton—report with an amendment and recommend its passage as amended.

Also, Senate Bill No. 431—An Act for the relief of Dr. E. H. Wood—recommend that it be indefinitely postponed.

Also, Assembly Bill No. 375—An Act for the relief of J. H. Gilmore—report the same back and recommend its passage.

Also, report a bill for the relief of Mrs. E. J. McLean, which is accompanied by affidavits concerning the case in which said relief is applied for.

Also, report an enabling Act to authorize the Supervisors of El Dorado County to pay to D. L. Britton a sum of money not to exceed one thousand dollars, for services rendered in the capture and conviction of notorious criminals in said county.

EWER, Chairman.

The bill last above reported, authorizing the Supervisors of El Dorado County to pay D. L. Britton a sum of money not to exceed one thousand dollars for services rendered in the capture and conviction of criminals in said county, was read first and second times.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Johnson, the rules were suspended and Senate Bill No. 474—An Act for the relief of David L. Britton, above reported, was taken up, amendment adopted, read third time and passed.

GENERAL FILE.

The hour of twelve M. occurring, the Senate took up the special order (consideration of the general file).

Assembly Bill No. 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game.

Temporarily laid on the table.

Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California and the publication thereof.

On the passage of the bill, Messrs. Lewis, Hager and Green demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Banning, Chappell, Conn, Freeman, Green, Hardy, Heacock, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Wolcott—21.

NOES—Messrs. Beach, Belden, Bradley, Conly, Ewer, Hager, Johnson, Mizner, Murch, Pearce, Robinson, Saunders, Teegarden, Tabbs, Tweed, Wolcott—16.

So the bill was passed.

Assembly Bill No. 134—An Act in relation to the county officers in the County of Sierra.

Substitute adopted, read a third time and passed.

Assembly Bill No. 200—An Act to authorize the City Council of Oak-

land to purchase land and erect a City Hall and to issue bonds of said city, and provide for the payment of the same.

Read a third time and passed.

Assembly Bill No. 78—An Act to provide for the payment of the State's proportionate part of the County Auditor's salary in the County of Sutter.

Laid on the table.

Senate Bill No. 507 (substitute for Assembly Bills Nos. 320, 211 and 78)—An Act to provide for the payment of the State's portion of the County Auditor's salaries in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 395—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 396—An Act to create a Contingent Fund for the County of Kern.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 397—An Act to provide for funding the debt of the Road Fund in Tulare County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 400—An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers in the County of Butte, approved May third, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 409—An Act relative to the County Treasurer of Lake County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 211 was laid on the table.

Senate Bill No. 220 was laid on the table.

Senate Bill No. 225 was passed on file.

Pending further consideration, the hour of one p. m. was indicated, and the Senate took the usual daily recess.

REASSEMBLED.

The Senate was called to order at two o'clock p. m.

President in the chair.

Roll called.

Quorum present.

SPECIAL ORDER.

The Senate took up the special order of the day, Senate Bill No. 473, An Act to provide depot grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroads, and other matters relating thereto.

On motion of Mr. Hardy, the consideration thereof was temporarily postponed.

On motion of Mr. Lewis, the rules were suspended, and Senate Bill No. 387—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco—was taken up out of its order, amendments of committee adopted, and considered in Committee of the Whole.

IN SENATE.

The bill was reported.

Mr. Lewis moved to suspend the rules, consider the bill engrossed and place it on its final passage.

Messrs. Lewis, Pendegast and Johnson demanded the ayes and noes, and the Senate so ordered by the following vote:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Kincaid, Lewis, Maclay, McDougall, Mizner, Murch, Murphy, Pendegast, Perley, Pratt, Rose, Saunders, Teegarden, Tweed, Wadsworth, Wolcott—28.

NOES—Messrs. Hunter, Johnson, Lawrence, Mandeville, Pearce, Roberts—6.

The bill was then read a third time and passed.

Senate Bill No. 393—An Act to authorize the construction of a railroad bridge across Napa Creek at or near Suscol, in the County of Napa.

Mr. Pendegast presented the following protest to the passage of the bill, which was ordered spread upon the Journal:

NAPA, March 9th, 1868.

Hon. W. W. PENDEGAST: The undersigned citizens and taxpayers of Napa County, in response to your inquiries as to their wishes in relation to the construction of the bridge by you referred to, near Suscol, a bill for the construction of which has been introduced in the Senate by the Honorable L. B. Mizner, Senator of Solano County, are of the opinion—

First—That the construction of said bridge will lead to the injury of the shipping interest of the county, as it will tend to block said stream.

Second—That said bridge, when constructed, will not be of any advantage to either the business or travelling public of Napa County.

Wherefore, it is the wish that you use every exertion at your command to defeat the passage of said bill; and in case it should pass the Senate, co-operate with Assemblyman Crigler to defeat it in the Assembly.

S. G. EASTERBY,
JAMES H. GOODMAN & CO.,
WILLIAM HAMILTON,
P. W. S. RAYLE,
W. C. S. SMITH,
R. H. STERLING,
C. H. PHILLIPS,
D. L. PHILLIPS,
HENRY BIHLER,
CHARLES C. GOODRICH,
LOUIS BRUCK,
J. D. BLANCHARD,
R. G. PARKS,
JOSEPH F. LAMBIN,
J. A. McCLELLAND,
JACOB GENYNAGEL.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Roberts gave notice that on to-morrow he would move a reconsideration of the vote whereby the Senate on this day passed Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California, and the publication thereof.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 496—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of the State, certain rights and privileges.

Also, Senate Bill No. 296—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco.

Also, Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Also, Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

WADSWORTH, Chairman.

SPECIAL ORDER.

The Senate resumed consideration of Senate Bill No. 473 (the special order of the day), temporarily postponed.

Mr. Mandeville moved to make the further consideration of the bill the special order for Wednesday, March eighteenth, eighteen hundred and sixty-eight, at two o'clock P. M.

The ayes and noes were demanded by Messrs. Mandeville, Hardy and Pearce.

The vote was as follows:

AYES—Messrs. Bradley, Conn, Hunter, Johnson, Kincaid, Mandeville, McDougall, Murch, Murphy, Pearce, Saunders, Tweed—12.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Lawrence, Lewis, Maclay, Mizner, Pendegast, Perley, Pratt, Rose, Teegarden, Wadsworth, Wolcott—21.

So the Senate refused.

The bill was then considered in Committee of the Whole.

IN SENATE.

Mr. Green moved to place the bill on top of the file for Monday next.

Messrs. Hager, Mandeville and Murphy demanded the ayes and noes. The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, McDougall, Mizner, Murphy, Pendegast, Perley, Pratt, Rose, Saunders, Teegarden, Wolcott—22.

NOES—Messrs. Bradley, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, Morrill, Murch, Roberts, Tweed, Wadsworth—12.

So the motion was carried.

Mr. Pendegast, from the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 416—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twenty-first, eighteen hundred and sixty-one, and amended February twenty-ninth, eighteen hundred and sixty-four—report the same back and recommend its passage.

PENDEGAST, for Committee.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

WADSWORTH, Chairman.

Leave of absence was granted to Mr. Beach until Monday next.

On motion of Mr. Curtis, the rules were suspended and Senate Bill No. 422—An Act to authorize the guardian or guardians of certain minors to sell or mortgage their real estate—was taken up and an amendment adopted.

The rules were further suspended, the bill considered engrossed, read a third time and passed.

INTRODUCTION OF BILLS.

The rules were suspended for the introduction of the following bills without previous notice:

By Mr. Murphy—An Act to authorize John R. Ward and his associates to construct and maintain a wharf in Santa Barbara County.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to prevent horses, mares, colts and mules from trespassing upon private lands in the County of San Luis Obispo.

Read first and second times and referred to the San Luis Obispo delegation.

Mr. Mandeville verbally reported Senate Bill No. 312, with the recommendation that it be placed on the local file for Monday next.

By Mr. Maclay—An Act to encourage the early construction of a Southern Pacific Railroad.

Read first and second times and referred to the Committee on Finance, and ordered printed.

By Mr. Hager—An Act for the relief of William O'Shea.

Read first and second times and referred to the San Francisco delegation.

By Mr. Kincaid—An Act authorizing John Hayes and Morris Hayes,

guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale.

Read first and second times and referred to the Judiciary Committee.

By Mr. Belden—An Act to amend an Act entitled an Act fixing the compensation of members of the Board of Supervisors of Stanislaus County, approved April tenth, eighteen hundred and fifty-eight.

Read first and second times and placed on file.

REPORT.

The rules were suspended and Mr. Saunders had leave to make the following report:

Mr. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back with a substitute, and respectfully recommend the passage of the substitute.

SAUNDERS, for Delegation.

RESOLUTION.

Mr. Wadsworth had leave to introduce the following resolution:

Resolved, That the Controller of State be and he is hereby required to draw his warrants on the Contingent Fund of the Senate in favor of the foregoing named parties for the amounts specified, and the Treasurer be required to pay the same.

Adopted.

The hour of five o'clock P. M. having arrived, the Senate stood adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER. }
Monday, March 16th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday, March fourteenth, was read and approved.

The President submitted a memorial from the Mechanics' State Council of the Anti-Coolie Association relative to Chinese immigration.

Read and referred to the Committee on Federal Relations.

Indefinite leave of absence was granted to Messrs. Robinson and Shaw, and to Messrs. Conly and Pratt for one day, and to Mr. Murphy until Thursday next.

PETITIONS.

Mr. Green (by request), presented a petition of citizens of San Francisco, relative to a recent decision of the Supreme Court of the United States in relation to pueblo lands.

Read and referred to the Committee on Public Lands.

REPORTS.

Mr. Green, Chairman of the Committee on State Prison, made the following report :

MR. PRESIDENT: Your Committee on State Prison, to whom was referred Senate Bill No. 447—An Act to authorize the State Prison Directors to compromise and settle certain conflicting claims to lands adjoining the State Prison at Point San Quentin, and to appropriate money necessary for that purpose—have had the same under consideration and report the same back without recommendation.

GREEN, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 587—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco.

Also, Senate Bill No. 597—An Act to provide for funding the debt of the Road Fund in Tulare County.

Also, Senate Bill No. 472—An Act for the relief of David L. Brittin.

Also, Senate Bill No. 506—An Act to authorize the Board of Supervisors of El Dorado County to appropriate money for the relief of David L. Brittin.

WADSWORTH, Chairman.

Mr. Conn, from the San Diego delegation, made the following report :

MR. PRESIDENT: The San Diego delegation have duly considered Assembly Bill No. 273—An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts—and recommend the passage of the bill.

CONN, for Delegation.

Mr. Maclay verbally reported, recommending the passage of Assembly Bill No. 520—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three; and Assembly Bill No. 521—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county, and to erect a County Jail.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 13th, 1868.

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 231—An Act to provide funds for the School Department of the City of Oakland, and to authorize the payment of certain present indebtedness ;

Also, Senate Bill No. 92—An Act to provide for the payment of the debt of Lassen County ;

Also, Senate Bill No. 153—An Act concerning insane convicts at the State Prison ;

Also, Senate Bill No. 315—An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

Also, Senate Bill No. 330—An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against said district ;

Also, Senate Bill No. 317—An Act concerning the Board of Supervisors of Napa County ;

Also, Senate Bill No. 307—An Act granting leave of absence to George N. Whitman, District Attorney of Mono County, and Thomas Laspeyre, District Attorney of Kern County.

H. H. HAIGHT,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 14th, 1868.

To the Senate of the State of California :

I herewith return to your honorable body, without my approval, Senate Bill No. 324—An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain ordinances and acts of the corporate authorities of the City of Los Angeles in relation thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company.

Since the passage of this bill I have received a protest from the Mayor and City Council of Los Angeles setting forth, in substance, that this bill, if passed, would inflict a wrong upon the corporation, and would virtually confiscate fifty thousand dollars expended by the city authorities in the construction of water works ; that the bill violates the rights and franchises of the municipality, and would diminish its revenue for the benefit of a few individuals interested in the company.

I learn, also, from the gentlemen who advocated the bill, that they were acting under a misapprehension of facts and would not, as at present advised, favor its passage.

Having no reason to doubt the correctness of the representations made by the city authorities, I return the bill without my approval.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 14th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 20—An Act to amend an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty six.

Also, Senate Bill No. 228—An Act to expedite the settlement of titles to lands held under a common source of title.

Also, Senate Bill No. 438—An Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin.

Also, substitute for Senate Bill No. 147—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, and approved March twenty-fourth, eighteen hundred and sixty-six.

Also, Senate Bill No. 171—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Bill No. 251—An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County.

Also, Senate Bill No. 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and the Blind, approved March thirty-first, eighteen hundred and sixty-six.

H. H. HAIGHT, Governor.

CONSIDERATION OF THE GOVERNOR'S VETO MESSAGE.

The Senate took up Senate Bill No. 324, returned by the Governor without his approval, as per message above recorded.

On the question, Shall the bill pass notwithstanding the objections of the Governor? the roll was called, with the following result :

AYES—None.

NOES—Messrs. Belden, Bradley, Conn, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mackay, Mandeville, McDougall, Mizner, Murphy, Pearce, Pendegast, Roberts, Rose, Tweed, Wadsworth, Wolcott—26.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER.

March 16th, 1868. }

Mr. PRESIDENT: The Assembly on this day passed Assembly Bill No. 474—An Act to provide for the management and sale of the lands belonging to the State.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,

March 14th, 1868. }

Mr. PRESIDENT: The Assembly on this day refused to concur in Senate amendments to Assembly Bill No. 139—An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six—and have appointed Messrs. Steele, Buckbee and Comte as a Committee of Free Conference.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,

March 14th, 1868. }

Mr. PRESIDENT: The Assembly on this day passed substitute for Senate Bill No. 204—An Act in relation to the duties and compensation of the Clerk of the Supreme Court, with amendments.

Also, Assembly concurrent resolution in relation to allowing pay for raising flag over State Capitol.

Also, Senate Bill No. 137, in regard to the incorporation of the City of Benicia.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Concurrent Resolution No. 53, above reported, was referred to the Committee on Contingent Expenses.

Substitute for Senate Bill No. 204 was reported with Assembly amendments.

Messrs. Ewer, Hardy and Heacock demanded the ayes and noes on concurring in the first amendment.

The vote was as follows:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Murphy, Pearce, Pendegast, Perley, Pratt, Robinson—18.

NOES—Messrs. Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Mizner, Murch, Roberts, Tweed, Wadsworth, Wolcott—13.

So the Senate concurred.

The Senate also concurred in the third Assembly amendment, and refused to concur in the second.

SPECIAL ORDER.

The hour of twelve having arrived, the hour fixed for the consideration of the general file (the special order), on motion of Mr. Mandeville the same was temporarily postponed.

REPORTS.

Mr. Roberts, Chairman of the Committee on Federal Relations, had leave to make the following report:

Mr. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Bills Nos. 195, 191 and 369, severally entitled—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six; and also Senate Bill No. 122—An Act to repeal the Registry Act—having had the same under consideration, report the same back with a substitute therefor and recommend the passage of the substitute.

ROBERTS (Chairman),
WOLCOTT,
WADSWORTH,
MANDEVILLE.

The rules were suspended for the introduction of the following bill: By Mr. Murphy—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Read first and second times; rules suspended, bill considered engrossed read a third time and passed.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company, and to provide for the payment of the same;

Also, Senate Bill No. 428—An Act to provide for the government of the County of San Diego;

And this day, at ten o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Kincaid had unanimous leave to introduce a bill—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo.

Read first and second times and placed on special file.

Mr. Chappell offered an amendment to Rule five of the Standing Rules of the Senate.

Laid over, under the rules, one day.

The rules were suspended for the introduction of the following account and resolution by Mr. Pratt, Chairman of the Committee on Corporations:

SACRAMENTO, March 14th, 1868.

STATE OF CALIFORNIA,

To F. S. Lardner, Sergeant-at-Arms, Senate, Dr.

To services performed for the Senate Committee on Corporations, viz :

Services.	Amount.
To making copy of subpoena.....	\$ 50
To serving subpoena on L. L. Robinson.....	1 00
Mileage to and from San Francisco, two hundred and fifty miles, at twenty cents per mile.....	50 00
To making copy of subpoena.....	50
To serving subpoena on J. A. Binney.....	1 00
Mileage to and from Marysville, one hundred and thirty miles, at twenty cents per mile.....	21 00
Total.....	\$79 00

The services above charged for were all rendered by Mr. Lardner at the direction of the Committee on Corporations

PRATT, Chairman.

Resolved, That F. S. Lardner be and is hereby allowed the sum of seventy-nine dollars (\$79) for services as Sergeant-at-Arms of the Senate in subpoenaing witnesses before the Senate Committee on Corporations, payable out of the Contingent Fund of the Senate, and that the State Controller be authorized to draw his warrant therefor.

Mr. Murphy verbally reported Senate Bill No. 509, recommending its reference to the Committee on Agriculture.

GENERAL FILE.

The Senate took up the general file.

Senate Bill No. 473—An Act to provide depot grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroads, and other matters relating thereto.

Mr. Lewis offered a substitute.

A pending amendment of Mr. Roberts was lost.

Mr. Mandeville moved to place the bill on top of the file for Wednesday next.

Mr. Pratt moved to amend by striking out "Wednesday," and inserting in lieu thereof, "Tuesday."

The ayes and noes were demanded by Messrs. Green, Hardy and Johnson.

The vote was as follows :

AYES—Messrs. Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Perley, Pratt, Roberts, Rose, Tweed, Wolcott—15.

NOES—Messrs. Belden, Bradley, Conn, Ewer, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Saunders, Wadsworth—16.

So the Senate refused.

The question recurring on the motion of Mr. Mandeville to place the bill on top of the file for Wednesday next, the ayes and noes were demanded by Messrs. Chappell, Tweed and Mandeville.

The vote was as follows:

AYES—Messrs. Hager, Hunter, Johnson, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Tweed, Wadsworth—13.

NOES—Messrs. Belden, Bradley, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Lewis, Maclay, Mizner, Perley, Pratt, Rose, Wolcott—18.

So the motion was lost.

On adopting an amendment offered by Mr. Pearce, the Senate, on dividing, stood twelve in the affirmative and twelve in the negative.

The President, in the exercise of his constitutional privilege, voted in the affirmative, and the amendment was adopted.

Pending further consideration thereon, the hour arrived for the usual daily recess, which the Senate proceeded to take.

REASSEMBLED.

The Senate was called to order at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

GENERAL FILE.

The Senate resumed the consideration of Senate Bill No. 473, interrupted by the recess.

Mr. Maclay offered the following amendment to section one: Amend, by striking out "four hundred yards" and inserting "eight hundred yards."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Rose, Mandeville and Maclay:

The vote was as follows:

AYES—Messrs. Curtis, Freeman, Green, Heacock, Maclay, Mizner, Pratt, Rose, Wolcott—9.

NOES—Messrs. Belden, Bradley, Conn, Ewer, Hager, Hardy, Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Murch, Pearce, Pendegast, Perley, Roberts, Saunders, Tweed, Wadsworth—21.

So the amendment was rejected.

Mr. Roberts offered the following amendment: Amend by adding to section one the following proviso, viz:

"Provided that the said railroad companies, their successors and assigns, shall not at any time during their existence be authorized, permitted or allowed to charge, collect or receive for transporting persons and property over their said several railroads, or over any railroads that

may be constructed or purchased by them, or either of them, to connect with such terminus of either, rates and prices exceeding the following, to wit: Six cents per mile for each passenger and nine cents per mile for each ton of freight transported over its said railroad at an elevation less than four thousand feet above the level of the sea, and seven and one half cents per mile for each passenger and twelve cents per mile for each ton of freight transported over its said railroad at an elevation of four thousand feet, and over, above the level of the sea; and provided, that in no case shall said company be compelled to receive less than twenty-five cents for any one lot of freight for any distance."

Mr. Mizner moved to lay the amendment on the table.

Messrs. Chappell, Hardy and Green demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Hunter, Johnson, Mandeville, Mizner, Murch—5.

NOES—Messrs. Belden, Bradley, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Lawrence, Lewis, Maclay, McDougall, Pearce, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Tweed, Wadsworth, Wolcott—25.

So the motion was lost.

Pending further consideration thereon, the hour of four o'clock arrived—the time fixed for the expiration of consideration of the general file.

Mr. Hager moved to suspend the rules and extend the time until the bill under consideration shall have been disposed of.

Messrs. Pearce, Roberts and Green demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Belden, Bradley, Chappell, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Lawrence, Lewis, Maclay, McDougall, Mizner, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Wadsworth, Wolcott—23.

NOES—Messrs. Ewer, Hunter, Johnson, Mandeville, Murch, Tweed—6.

So the motion prevailed.

The question recurring on the amendment offered by Mr. Roberts, the ayes and noes were demanded by Messrs. Pearce, Roberts and Hager.

The vote was as follows:

AYES—Messrs. Bradley, Hunter, Johnson, Mandeville, Pearce, Roberts, Wolcott—7.

NOES—Messrs. Belden, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Lawrence, Lewis, Maclay, McDougall, Mizner, Pendegast, Perley, Pratt, Rose, Saunders, Wadsworth—21.

So the amendment was rejected.

Mr. Pearce offered the following amendment: Strike out the word "grant" in the first section and insert in lieu thereof the words "release for the term of fifty years."

Messrs. Pearce, Hager and Lewis demanded the ayes and noes on the adoption of the amendment:

The vote was as follows:

AYES—Messrs. Bradley, Hunter, Johnson, Lewis, Mandeville, Murch, Pearce, Pendegast, Roberts, Tweed—10.

NOES—Messrs. Belden, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Lawrence, Maclay, McDougall, Mizner, Perley, Pratt, Rose, Saunders, Wadsworth, Wolcott—20.

So the amendment was rejected.

The following amendment was offered by Mr. Mizner :

“Thence westerly, on the southerly line of Oakland, to twenty-four feet water; thence at right angles with the last named line, southerly, four hundred yards; thence easterly, parallel with the first named line, to high water mark; thence, in a direct line, to the place of beginning.”

Adopted.

On motion of Mr. Hager, “thirty-two” was stricken out and “twenty-four” inserted in lieu thereof.

The original amendment being amended, was then adopted and ordered engrossed.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows :

By Mr. Rose—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the Revenue Acts of this State, approved April second, eighteen hundred and sixty-six.

Read first and second times and placed on file and ordered printed.

Mr. Mizner had leave to verbally report, without recommendation, Senate Bill No. 494—An Act to provide terminal depot grounds for the Central Pacific Railroad—recommending that it be made the special order for Wednesday next.

So ordered.

By Mr. Pendegast—An Act authorizing Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof.

Read first and second times and ordered on special file.

Also, an Act to authorize J. B. Ford and his associates to construct and maintain a wharf in Mendocino County—introduced as a substitute for an original bill of the same number lost.

Read first and second times and ordered placed on the file in the position it would have assumed if reported in order.

By Mr. Mizner—An Act granting certain wharf privileges.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Heacock—An Act to permit Samuel Cross to erect a monument to the memory of Brigadier-General George Wright.

Read first and second times and placed on file.

By Mr. Roberts—An Act concerning crimes and punishments.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wolcott—An Act to amend an Act entitled an Act to provide a fund for the redemption and prescribing the manner of redeeming the outstanding warrants drawn upon the Treasurer of Tuolumne County, and further to provide for the payment of all the expenses of said Tuolumne County in cash, approved February twelfth, eighteen hundred and sixty-three.

Read first and second times; rules suspended, bill considered engrossed, read third time and passed.

By the Committee on Commerce and Navigation—An Act to authorize the Board of State Harbor Commissioners to extend the lease of a certain wharf.

Read first and second times and placed on file.

Mr. Mizner had leave to verbally report, recommending the passage of Senate Bill No. 510—An Act to authorize John B. Ward and his associates to construct and maintain a wharf in Santa Barbara County.

By Mr. Hager—An Act to provide a right of way and terminus for the Central Pacific and Western Pacific Railroad Companies in the City and County of San Francisco.

Read first and second times and made the special order for Wednesday next at two o'clock, and ordered printed.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 597 (substitute for Assembly Bills Nos. 78, 211 and 320)—An Act to provide for the payment of the State's portion of the County Auditors' salaries in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda.

WADSWORTH, Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Curtis introduced the following resolution:

Resolved by the Senate, the Assembly concurring, That, out of respect to the memory of the Hon. Henry Hare Hartley, late deceased, the two houses adjourn on Tuesday, March seventeenth, at twelve o'clock, noon, until half past seven o'clock P. M., for the purpose of attending his funeral.

Adopted.

Mr. Wadsworth offered the following resolution:

Resolved, That the Committee on State Prison be instructed to report immediately, with or without recommendation, Assembly Bill No. 84, known as the Convict Bill.

Amended, on motion of Mr. Maclay, by instructing the Committee to report back on Wednesday morning.

The resolution, as amended, was adopted.

On motion of Mr. Pearce, the petition introduced by him on Wednesday last, remonstrating against the passage of Senate Bills No. 334 and 335, was taken from the file and transmitted to the Assembly.

Mr. Roberts, pursuant to notice, moved to reconsider the vote whereby the Senate, on Saturday, passed Senate Bill No. 130—An Act to provide for the codification of the laws of the State, etc.

Mr. Roberts moved to place the motion to reconsider on the top of the file for to-morrow.

Pending action thereon, the hour of five o'clock arrived, and the Senate took a recess until seven o'clock P. M.

EVENING SESSION.

In pursuance of the following resolution, adopted in Senate on Saturday, March fourteenth, the Senate held its first evening session :

Resolved. That the Secretary of the Senate shall select from the general file of the Senate, as it may be composed at the adjournment on Saturday evening next, all bills of a local and special character, and place them in a file together, for consideration at evening sessions of the Senate, which shall be held every evening, commencing on Monday evening next, at seven and one half o'clock, and continue until the said file shall be disposed of; and bills on the general file shall remain for consideration every day, as provided in the rules. All bills reported by Senate Committees, or from the Assembly, and referred to the file, shall be separated by the Secretary according to their character, and included from day to day in the printed files. It is further

Resolved. That on and after Monday next, at half past seven o'clock P. M., the Senate will hold evening sessions for the consideration of the special file; and it is hereby provided that no other business unconnected with bills on the special file shall be considered during such evening sessions, except by a two thirds vote of the Senate.

The Senate was called to order at half past seven o'clock P. M.

President in the chair.

Roll called.

Quorum present.

SPECIAL FILE.

The Senate took up for consideration the special file of bills prepared in accordance with a resolution to that effect.

Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

Mr Pendegast moved that the bill be passed on file, to take its place on the special file for Tuesday evening.

The ayes and noes were demanded by Messrs. Mizner, Green and Hager.

The vote was as follows :

AYES—Messrs. Conn, Ewer, Hardy, Hunter, Johnson, Kincaid, Lewis, McDougall, Pearce, Pendegast, Saunders, Tweed, Wolcott—13.

NOES—Messrs. Bradley, Chappell, Curtis, Freeman, Green, Hager, Hancock, Lawrence, Maclay, Mizner, Murch, Perley, Pratt, Rose, Wadsworth—15.

So the motion was lost.

On the passage of the bill, Messrs. Pearce, Hardy and Hunter demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Bradley, Chappell, Curtis, Freeman, Green, Hager, Hardy, Heacock, Lawrence, Lewis, Maclay, Mizner, Murch, Pendegast, Perley, Pratt, Rose, Saunders, Wadsworth—19.

NOES—Messrs. Conn, Ewer, Hunter, Johnson, Kincaid, McDougall, Pearce, Tweed, Wolcott—9.

So the bill was passed.

Mr. Pendegast gave notice of a motion to reconsider the vote whereby the bill passed.

Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

On the passage of the bill, Messrs. Hardy, Hager and Saunders demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Chappell, Conn, Curtis, Ewer, Green, Heacock, Johnson, Lawrence, Maclay, Murch, Pearce, Perley, Pratt, Rose, Saunders, Tweed, Wolcott—17.

NOES—Messrs. Hager, Hardy, Kincaid, Mandeville, McDougall, Wadsworth—6.

So the bill was passed.

Mr. Saunders gave notice of a motion to reconsider.

Senate Bill No. 402—An Act for the regulation of sailors' boarding-houses and of shipping offices in the City and County of San Francisco.

Mr. Lawrence offered a substitute for the bill, which was ordered passed on file, and the bill and substitute severally ordered printed.

Mr. Lewis also gave notice of a motion to reconsider the vote whereby the Senate passed Senate Bill No. 185, above referred to.

Senate Bill No. 407—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Rose moved to suspend the rules and place Senate Bill No. 494, relative to terminal depot grounds for the Terminal Pacific Railway, on its passage.

Lost.

Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named—reported with a substitute therefor. was taken up.

Mr. Mizner offered a petition for the adoption of the original bill.

The substitute was rejected.

On motion of Mr. Mizner, the bill was amended by striking out all after the word "also," in section one, line six; also, by striking out all after the word "made," in section two, four lines from the end; also, by striking out section four.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 412 was continued on file.

On motion of Mr. Green, the Senate took up, out of its order, Assembly Bill No. 367—An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

Reported amendments adopted, and bill read a third time and passed.

Senate Bill No. 299—An Act for the relief of David Kohn.

Indefinitely postponed.

Senate Bill No. 413—An Act to fund the debt of Sierra County and provide for payment of the same.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 414—An Act to incorporate the Town of Redwood City.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 476—An Act to provide for the removal of dead animals in the City and County of San Francisco; and

Substitute Assembly Bill No. 348—An Act to authorize Antonio Giorgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands in Alameda County.

Senate Bill No. 352 was taken from the file and indefinitely postponed.

Senate Bill No. 418—An Act to amend an Act entitled an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 339—An Act to authorize the establishment of a Board of Health in the City of Sacramento.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 420—An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador, and to prescribe the manner of paying the same.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Concurrent Resolution No. 61—Granting leave of absence from the State to W. J. Costigan, County Clerk of Solano County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 272—An Act to incorporate the Academy of the Sisters of Notre Dame, in the City of Marysville.

Indefinitely postponed.

Senate Bill No. 305 was passed on file.

Senate Bill No. 375 was passed on file.

Senate Bill No. 376 was passed on file.

The rules were suspended for the introduction of the following resolution by Mr. Hager:

Resolved, That the Sergeant-at-Arms be directed to place lamps at the south end of the Senate Chamber—one back of the reporters' desk, and one on each side of the portrait of the Father of our Country.

Adopted.

Senate Bill No. 382—An Act to provide for a horse railroad within the County of Santa Clara.

The rules were suspended, the bill considered engrossed, read third time and passed.

Senate Bill No. 424—An Act to amend an Act entitled an Act to

authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 371 (substitute for Assembly Bill No. 471)—An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of San Francisco to the Merchants' Floating Dry Dock Company.

Mr. Lewis moved to place the bill on top of the file for Tuesday evening.

The motion was lost.

Amendments to the bill offered by Mr. Lewis were rejected.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, Green and Johnson.

The vote was as follows:

AYES—Messrs. Chappell, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Pearce, Perley, Pratt, Rose, Wadsworth, Wolecott—21.

NOES—Messrs. Belden, Bradley, Conn, Johnson, Pendegast, Roberts, Tweed—7.

So the bill was passed.

RESOLUTION.

The rules were again suspended, and Mr. Ewer had leave to introduce the following resolution:

Resolved, That all night sessions hereafter held shall commence at seven o'clock p. m.

Adopted.

On motion of Mr. Ewer, the Senate at ten o'clock and thirty minutes p. m. adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
 Tuesday, March 17th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Luckey.

Journal of yesterday read, amended and approved.

RESOLUTION.

The rules were suspended for the introduction of the following resolution by Mr. Lewis :

Resolved, That the Secretary be and he is hereby authorized to appoint an assistant clerk, who shall receive the same per diem as the Secretary, to be paid out of the Contingent Fund of the Senate.

Adopted.

The rules were suspended, and on motion of Mr. Mandeville. Assembly Bill No. 474—An Act to provide for the management and sale of the land of the State—was taken from Assembly messages and placed on the file.

MESSAGE FROM THE ASSEMBLY.

On motion of Mr. Mandeville the rules were again suspended, and the Senate took up Assembly messages.

ASSEMBLY CHAMBER,
 March 16th, 1868. }

Mr. PRESIDENT: The Assembly have passed Senate Bill No. 214—An Act concerning roads and highways in the County of San Mateo.

Also, Assembly Bill No. 679—An Act to appropriate money for the contingent expenses of the Legislature.

Also, Senate Bill No. 233 (substitute)—An Act in relation to witnesses.

Also, indefinitely postponed Senate Bill No. 60—An Act for the protection of game.

Also, Senate Concurrent Resolution No. 43, relative to the Mendocino Indian Reservation.

Also, Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids and substances.

Also, Senate Bill No. 121—An Act to provide for the sale of escheated estates.

Also, Senate Bill No. 342—An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges.

Also, Assembly Bill No. 343—An Act granting a wharf franchise in the City of Sacramento.

Also, Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco.

Also, Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California.

Also, Senate Concurrent Resolution No. 66, relative to adjournment.

Also, Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners.

Also, Assembly Bill No. 660—An Act to ratify and confirm a certain ordinance of the City of Petaluma in relation to supplying said city with water.

Assembly Bill No. 134, the Assembly refused to concur in Senate amendments.

Also, passed Assembly Bill No. 570—An Act supplementary to an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 570, above reported, was read first and second times and placed on file.

Assembly Bill No. 306, above reported, was returned to Assembly message.

The Senate refused to recede from its amendments to Assembly Bill No. 134, above reported.

Mr. Heacock offered the following resolution :

Resolved, That Messrs. Belden, Curtis and Pearce be appointed a Committee of Conference.

Adopted.

Assembly Bill No. 660, above reported, was read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 129, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 343, above reported, was read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 679, above reported, was read first and second times and referred to the Finance Committee.

Assembly Bill No. 134, above reported, was read first and second times and referred to the Sierra delegation.

RESOLUTION.

The rules were suspended for the introduction of the following resolution by Mr. Wadsworth :

Resolved, That John E. Dent, Journal Clerk of the Senate, in consequence of sickness of family and self, have indefinite leave of absence, commencing Monday, March sixteenth, instant, and that in such absence Charles L. Seudder shall act as the Journal Clerk, at the pay allowed by law to said clerk, payable out of the Contingent Fund of the Senate.

Adopted.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 395—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures.

Also, Senate Bill No. 396—An Act to create a Contingent Fund for the County of Kern.

Also, Senate Bill No. 400—An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers in the County of Butte, approved May third, eighteen hundred and sixty-one.

Also, Senate Bill No. 409—An Act relative to the County Treasurer of Lake County.

Also, Senate Bill No. 422—An Act to authorize the guardian of certain minors to sell or mortgage their real estate.

WADSWORTH, Chairman.

On motion of Mr. Chappell the Senate took up the proposed amendment to Rule fifth of the Standing Rules of the Senate, as follows: Making the introduction of bills second on the order of business—which was adopted.

INTRODUCTION OF BILLS.

By leave, bills were introduced without notice, as follows:

By Mr. Johnson—An Act to authorize the Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company in said townships, in the year A. D. eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year.

Read first and second times and ordered on special file.

By Mr. Hardy—An Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and placed on general file.

PETITIONS.

Petitions were presented, as follows:

By Mr. Tubbs—Of citizens of San Francisco, protesting against the passage of a bill known as O'Malley's School Bill.

Read and referred to the San Francisco delegation.

By Mr. Rose—Of citizens and taxpayers of Townships Nos. 1, 2, 4 and 5, of the County of Amador, relative to hogs running at large.

Laid on the table.

By Mr. Tweed—Of citizens of Placer County, protesting against Chinese testimony.

Read and referred to the Judiciary Committee.

In accordance with a resolution adopted on yesterday, the Senate took a recess from twelve until seven o'clock P. M.

EVENING SESSION.

The Senate was called to order at seven o'clock p. m.

President in the chair.

Roll called.

No quorum answering, Mr. Mizner moved that, inasmuch as the Senate clock was ten minutes in advance of the correct mean time, the commencement of the proceedings of the Senate be delayed until after the lapse of that period of time.

The Senate consented to the delay.

Other Senators coming in, their names were announced and the President declared a quorum present.

GENERAL FILE.

The Senate took up bills on the general file, as follows:

Senate Bill No. 412 was taken from the file and laid on the table.

Senate Bill No. 305 was taken from the file and laid on the table.

Senate Bill No. 375 was passed on file.

Senate Bill No. 376 was passed on file.

The rules were suspended, on motion of Mr. Mizner, who asked leave to introduce, by request of a member of the Assembly from the County of Los Angeles, two bills corresponding with Assembly Bills Nos. 347 and 340, inadvertently carried away by Mr. Banning.

Leave was granted.

Mr. Mizner introduced a bill for an Act amendatory of and supplemental to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe the sum of seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, an Act amendatory of and supplemental to an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

The rules were again suspended, and the bills above entitled were severally considered engrossed, read a third time and passed.

Substitute for Senate Bill No. 172—An Act to amend an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

On motion of Mr. Beach, the substitute recommended by and reported from the Assembly was adopted, read third time and passed.

Senate Bill No. 373—An Act authorizing the Board of State Harbor Commissioners to lease the privilege of collecting dockage, wharfage and tolls on a portion of the water front of the City and County of San Francisco.

Mr. Lewis moved that the bill be indefinitely postponed.

Mr. Mandeville asked leave to fill a blank in the bill with the words "ten years."

Mr. Green moved to place the bill on top of the special file for Wednesday evening next.

The ayes and noes were demanded by Messrs. Rose, Lewis and Pendegast.

The vote was as follows:

AYES—Messrs. Bradley, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Johnson, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Roberts, Teegarden, Tubbs, Tweed, Wolcott—20.

NOES—Messrs. Beach, Belden, Ewer, Hager, Hunter, Kincaid, Lawrence, Lewis, Maclay, Pearce, Pendegast, Rose, Saunders, Wadsworth—14.

So the motion was carried.

RECONSIDERATION.

Mr. Pendegast, according to previous notice, moved to reconsider the vote whereby the Senate passed Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

Mr. Lewis moved to make the consideration of the motion to reconsider the special order, and place it on top of the special file for Wednesday evening.

The ayes and noes were demanded by Messrs. Mandeville, Mizner and Green

The vote was as follows:

AYES—Messrs. Beach, Belden, Conn, Ewer, Hardy, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Pearce, Pendegast, Roberts, Tubbs, Tweed, Wolcott—17.

NOES—Messrs. Bradley, Chappell, Curtis, Freeman, Green, Hager, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Rose, Saunders, Teegarden, Wadsworth—17.

There being a tie, the President, in the exercise of his constitutional privilege, voted aye, and so the motion of Mr. Lewis prevailed.

Senate Bill No. 141—An Act to provide for the payment of certain unpaid warrants drawn by the Auditor of the County of Mono upon the Treasurer of said county.

Mr. Wolcott offered an amendment to the bill, reducing the amount allowed to the sum of two thousand eight hundred and fifty dollars.

Adopted.

On ordering the bill as amended engrossed, the ayes and noes were demanded by Messrs. Wolcott, Belden and Roberts.

The vote was as follows:

AYES—Messrs. Green, Lewis, Mandeville, McDougall, Tweed, Wolcott—6.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Ewer, Freeman, Hager, Heacock, Hunter, Johnson, Kincaid, Lawrence, Maclay, Morrill, Murch, Pearce, Pendegast, Pratt, Roberts, Rose, Saunders, Tubbs, Wadsworth—25.

So the Senate refused.

Mr. Pratt gave notice of a motion to reconsider the foregoing vote.

Senate Bill No. 365 was continued on file.

Senate Bill No. 443 was continued on file.

Assembly Bill No. 225—An Act concerning railroad companies in the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 431—An Act concerning the ancient Jewish Order of Keshet Shel Barsel.

Read a third time and passed.

Assembly Bill No. 504—An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 426—An Act to provide for the construction of a wagon road connecting the Mariposa Big Tree Grove with the Yosemite Valley.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Lawrence, Perley and Green.

Mr. Mizner moved that the bill be placed second on file for to-morrow evening.

Lost.

The Senate also refused to order the bill engrossed by the following vote :

AYES—Messrs. Freeman, Green, Hunter, Kineaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Perley, Pratt—12.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Hager, Hardy, Heacock, Johnson, Pearce, Pendegast, Roberts, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

On motion of Mr. Pearce, at ten o'clock and fifteen minutes the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest : JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Wednesday, March 18th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS.

Mr. Tweed submitted two petitions from citizens of Placer County, praying exemption from the operation of a law known as the Anti-Fence Law, in the event the same becomes a law.

Read and referred to the Committee on Agriculture.

INTRODUCTION OF BILLS.

Bills were introduced by leave, without previous notice, as follows :

By Mr. Roberts—An Act to amend an Act entitled an Act to regulate fees in office in the County of Nevada, approved April eighteenth, eighteen hundred and fifty-nine.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Conn—An Act to refund the funded debt of the County of San Bernardino.

Read first and second times; rules suspended, considered engrossed, read a third time and passed.

Also, an Act concerning roads and highways in the County of San Bernardino.

Read first and second times; rules suspended, considered engrossed, read third time and passed.

By Mr. Kincaid—An Act amendatory of and supplementary to an Act entitled an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. McDougall—An Act supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

Read first and second times; rules suspended, bill considered engrossed, read third time and passed.

By Mr. Wadsworth—An Act to transfer certain moneys to the Common School Fund of the County of Siskiyou.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Freeman—An Act to authorize the Board of Supervisors of Tulare County to re-district the County of Tulare into Supervisor Districts.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Perley—An Act for the relief of purchasers of swamp and overflowed lands.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Green—An Act to authorize Harriet Wilkins, administrator of the estate of Henry Wilkins, deceased, to sell real estate at private sale.

Read first and second times and referred to the Judiciary Committee.

By Mr. Mizner—An Act to authorize John Hoagland to sue the City of Sacramento.

Read first and second times and referred to the Judiciary Committee.

By Mr. Green—An Act granting the privilege to James R. Peck and his assigns to build and erect a wharf at Sausalito, Marin County.

Read first and second times and referred to Committee on Commerce and Navigation.

By Mr. Mizner—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Tubbs—An Act to authorize the sale and confirmation of certain tide lands in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Maclay—An Act to establish the University of California.

Read first and second times and placed on file and ordered printed.

By Mr. Pendegast—An Act to authorize and require the Assessors of this State to complete their assessment rolls, and to correct any errors or defects in the form of assessments, notwithstanding their terms of office shall have expired.

Read first and second times and placed on file.

REPORTS.

Mr. Tubbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 679—An Act to appropriate money for the per diem and mileage of the Legislature—having had the same under consideration, report it back with an amendment and recommend its passage as amended.

TUBBS, Chairman.

On motion of Mr. Tubbs, the rules were suspended and Assembly Bill No. 679, above reported, was taken up, amendment of committee adopted, read third time and passed.

Mr. Teegarden presented a lengthy report from the Committee on Agriculture.

[For report see Appendix.]

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, reported as follows:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 213 (substitute for Senate Bill No. 90)—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors—have had the same under consideration, and report it back and recommend its passage.

Also, Senate Bill No. 525—An Act granting certain wharf privileges—report the same back and recommend its passage.

Also, Senate Bill No. 457—An Act to authorize Paul K. Hubbs and Lyman Leslie, and their assigns, to build and maintain a wharf in the City of Vallejo, County of Solano—report the same back and recommend its passage.

MIZNER, Chairman.

Mr. Green, Chairman of the Committee on State Prison, made the following report :

MR. PRESIDENT: The Committee on State Prison, to whom was referred Assembly Bill No. 84—An Act to authorize and empower E. H. Schwatka, of Siskiyou County, to take from the State Prison at San Quentin a number of State Prison convicts, not exceeding one hundred, for the purpose of constructing roads along and over the mountains of Siskiyou, Klamath, Del Norte and Humboldt Counties, and to provide for their care and support—have had the same under consideration and recommend its indefinite postponement.

GREEN, Chairman.

Mr. Wadsworth, Chairman of the Committee on Contingent Expenses, reported as follows :

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred Assembly Concurrent Resolution No. 53, relative to allowing one dollar per day for hoisting flag on the State Capitol ;

Also, Senate resolution relative to allowing F. S. Lardner, Sergeant-at-Arms of the Senate, seventy-nine dollars for mileage and service of subpoenas for witnesses before Committee on Corporations ;

Have had the same under consideration and report them back and recommend the passage of the same.

WADSWORTH, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 307—An Act to regulate fees in office—having had the same under consideration, report it back with an amendment and recommend its passage as amended.

Also, Assembly Bill 478—An Act to regulate salaries and fix the compensation of certain officers—report the same back without amendment and recommend its passage.

Also, Senate Bill No. 463—An Act to provide for the appointment of phonographic reporters in certain Courts—report the same back and recommend its passage.

Also, Senate Bill No. 304—An Act to limit the time for commencing civil actions in certain cases—report back a substitute for the same and recommend the passage of the substitute.

BELDEN, Chairman.

Mr. Wolcott, Chairman of the Committee on Public Lands, made the following report :

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Senate Bill No. 501—An Act to confirm certain sales of lands made by the Mayor and Common Council of the City of Los Angeles at auction, in conformity with the ordinances of said city—report the same back with an amendment and without recommendation.

Your committee further report that they have considered Senate Concurrent Resolution No. 60, relative to the employment by the Governor of an attorney to represent the State of California in matters relative to

this State before the Department of the Interior at the Federal Capital, and report the same back without recommendation.

Your committee further report that they have considered the petition of A. G. Black, relative to a possessory claim in the Yosemite Valley, and now report a bill back entitled an Act to compensate A. G. Black for land occupied by him in the Yosemite Valley prior to its cession to the State of California—and recommend its passage.

WOLCOTT, Chairman.

The rules were suspended for the introduction of the following bill by the Committee on Public Lands: An Act to compensate A. G. Black for land occupied by him in the Yosemite Valley prior to its cession to the State of California.

Read first and second times and placed on file.

The rules were again suspended, and Mr. Mizner had leave to introduce a Senate resolution requesting the Assembly to return to the Senate Senate Bill No. 387.

Adopted.

The bill was returned and recommitted to the Committee on Commerce and Navigation.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 440—An Act to re-incorporate the City of Petaluma.

Also, Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named.

Also, Senate Bill No. 36—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juana Castro, deceased, to sell certain real estate of said infant heirs.

Also, Senate Bill No. 407—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two.

Also, Senate Bill No. 393—An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suscol, in the County of Napa.

Also, Senate Bill No. 424—An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four.

WADSWORTH, Chairman.

Mr. Ewer verbally reported on Senate Bill No. 467—An Act for the relief of C. C. Townsend—with a substitute, recommending the passage of the substitute.

On motion of Mr. Ewer, the rules were suspended and Senate Bill No. 467, above reported, was taken up.

The rules were again suspended, bill considered engrossed, read a third time and passed.

[Mr. Roberts in the chair.]

Mr. Pratt, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT: The Committee on Corporations, to whom was referred the following bills, have had the same under consideration and report them back, respectfully recommending the passage of the same:

Senate Bill No. 462—An Act to provide for the incorporation of Mutual Savings and Homestead Associations.

Also, Assembly Bill No. 471—An Act to change the name of the Howard Street Religious Society, San Francisco.

Also, Assembly Bill No. 295—An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant).

Also, Assembly Bill No. 440—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 107—An Act to incorporate the City of Monterey.

The committee have also had under consideration Senate Bill No. 498, An Act entitled an Act to amend an Act entitled an Act to authorize Charles N. Benbrook, Samuel Maben and Marcus D. Brundige to construct and maintain a turnpike road from Wiley's Rancho to Willow Springs, in Los Angeles County—and now report it back, recommending that the bill be indefinitely postponed.

PRATT, Chairman.

Mr. Heacock, from the Sacramento delegation, made the following report:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 372, have had the same under consideration and report the same back and recommend its passage;

Also, Assembly Bill No. 562, and report the same back with amendments, and recommend its passage with the amendments.

HEACOCK,
CURTIS,

Sacramento Delegation.

Mr. Heacock, from the Sacramento delegation, made the following report:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 343, have had the same under consideration, and report the same back and recommend that it be indefinitely postponed.

CURTIS,
HEACOCK,

Sacramento Delegation.

Mr. Murch, from the Humboldt delegation, made the following report:

MR. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 201—An Act authorizing the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds of that

county for fifty thousand dollars for the purpose of raising funds to construct a wagon and turnpike road from some point near Hydenville, in that county, to the southern boundary line of that county; and from near the Town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote on the matter of the issuance of said bonds; to provide for the payment of the interest thereon and the principal thereof—have had the same under consideration, and report it back with an amendment and recommend its passage as amended.

MURCH, for Delegation.

Mr. Banning, from the Los Angeles delegation, made the following report:

MR. PRESIDENT: The Los Angeles delegation has had under consideration, Senate Bill No. 497—An Act to authorize the Mayor and Common Council of Los Angeles City to grant or donate land to the Los Angeles Reservoir Company and ratifying any such grant or donation heretofore made by them.

BANNING, for Delegation.

Mr. Saunders, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back, and respectfully recommend its passage:

Assembly Bill No. 418—An Act to lower the grade of Sansome street from Broadway to Lombard street, in the City and County of San Francisco.

Also, Assembly Bill No. 316—An Act to authorize the Board of Supervisors of the City and County of San Francisco to compromise with the adverse claimants of lots in Lafayette Park and Alamo Square and Hamilton Square—without recommendation.

SAUNDERS, for Delegation.

Mr. Chappell verbally reported recommending the passage of Senate Bill No. 433—An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

GENERAL FILE.

The Senate took up the consideration of the general file.

Senate Bill No. 391—An Act to prohibit the trapping or snaring of quail to be sold for edible purposes.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 390—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 411—An Act supplementary to an Act concerning

District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Ordered engrossed.

The President in the chair.

Senate Bill No. 416—An Act to promote the study of anatomy, and to repeal existing laws on the subject.

The following amendment was offered by Mr. Johnson :

Amend by striking from the bill all those portions of it that relate to sick persons lying in poor-houses or hospitals.

Messrs. Johnson, Chappell and Green demanded the ayes and noes on the adoption of the amendment.

The vote was as follows :

AYES—Messrs. Beach, Curtis, Green, Heacock, Hunter, Johnson, Kincaid, Mizner, Morrill, Murch, Perley, Shaw—12.

NOES—Messrs. Belden, Chappell, Conly, Ewer, Hardy, Lewis, Maclay, Mandeville, McDougall, Pearce, Pendegast, Pratt, Roberts, Rose, Tweed, Wadsworth, Wolcott—17.

So the amendment was rejected.

The ayes and noes were demanded by Messrs. Johnson, Green and Pearce on ordering the bill engrossed.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Ewer, Freeman, Hardy, Hunter, Kincaid, Lewis, Maclay, Mandeville, McDougall, Morrill, Pearce, Pendegast, Pratt, Roberts, Rose, Teegarden, Tweed, Wadsworth, Wolcott—22.

NOES—Messrs. Beach, Bradley, Curtis, Green, Heacock, Johnson, Murch, Perley—8.

So the bill was ordered engrossed.

Mr. Roberts moved to reconsider the vote by which the above bill was ordered to engrossment.

The ayes and noes were demanded by Messrs. Johnson, Perley and Green.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Curtis, Ewer, Freeman, Hardy, Lewis, Maclay, Pearce, Pendegast, Pratt, Roberts, Tweed, Wadsworth, Wolcott—16.

NOES—Messrs. Bradley, Green, Heacock, Hunter, Johnson, Kincaid, Mandeville, McDougall, Morrill, Murch, Perley, Teegarden—11.

So the vote was reconsidered.

Mr. Roberts moved to suspend the rules, consider the bill engrossed and place it on its passage.

Messrs. Chappell, Johnson and Green demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Ewer, Freeman, Hardy, Hunter, Lewis, Maclay, Mandeville, McDougall, Mizner, Pearce, Pendegast, Pratt, Roberts, Rose, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Beach, Bradley, Green, Heacock, Johnson, Kincaid, Morrill, Murch, Perley, Teegarden—10.

The bill was then passed by the following vote, the ayes and noes having been demanded by Messrs. Murch, Johnson and Green :

AYES—Messrs. Belden, Chappell, Conly, Ewer, Freeman, Hardy, Hunter, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Pendergast, Pratt, Roberts, Rose, Teegarden, Tweed, Wadsworth, Wolcott—21.

NOES—Messrs. Beach, Bradley, Green, Heacock, Johnson, Kincaid, Maclay, Perley—8.

Mr. Murch gave notice that on to-morrow he would move a reconsideration of the foregoing vote.

Mr. Mandeville moved to make Assembly Bill No. 307—An Act to regulate fees of office ; and Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers—the special order for Saturday, March twenty-first, eighteen hundred and sixty-eight, at two o'clock.

Carried.

Mr. Mandeville moved to take Assembly Bill No. 474 from the file and make it the special order for Friday next.

Mr. Roberts moved to amend by adding Senate Bill No. 410 and Assembly Bill No. 433, which amendment being accepted by Mr. Mandeville, the motion prevailed.

On motion of Mr. Mandeville, the motion of Mr. Roberts, to reconsider the vote whereby the Senate on the fourteenth instant passed Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California, and the publication thereof—was placed on top of the file for to-morrow.

The rules were suspended for the introduction of the following bill by Mr. Belden : An Act to fix and establish the rates of fare and freight on railroads, and other matters relating thereto.

Read first and second times.

Pending further consideration thereon, the hour arrived for the usual daily recess.

REASSEMBLED.

The Senate was called to order at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of the question of the reference of the bill offered by Mr. Belden previous to the recess, and it was referred to the Committee on Corporations.

The rules were suspended for the introduction of a bill by Mr. Rose : An Act to extend the line of the Omnibus Railroad Company.

Read first and second times and referred to Committee on Corporations.

SPECIAL ORDER.

The Senate considered the special order of the day—Senate Bill No. 377—An Act to dispose of certain submerged and tide lands belonging to the State of California, and for the reclamation and improvement of the same—and the substitute recommended by the Committee on Commerce and Navigation ; an amendment thereto offered by Mr. Pearce, and a substitute for the whole, offered by Mr. Rose.

Mr. Belden offered an amendment, to take the place of all the foregoing, and the Senate adopted it.

Mr. Lewis offered the following amendment: Strike out "one hundred and fifty acres" wherever the words occur in the bill and insert "ten acres."

On adopting the amendment, the ayes and noes were demanded by Messrs. Lewis, Belden and Heacock.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Ewer, Hunter, Lawrence, Lewis, Mandeville, Murch, Pearce, Pendegast, Tweed—11.

NOES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Johnson, Kincaid, Maclay, McDougall, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—26.

So the amendment was rejected.

At four o'clock, the time for the consideration of the special order having expired, Mr. Belden moved that the next order of business be postponed until the bill should be disposed of.

The ayes and noes were demanded on adopting the motion, by Messrs. Chappell, Mandeville and Murch.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—26.

NOES—Messrs. Bradley, Conly, Hunter, Johnson, Mandeville, Murch, Pearce, Pendegast, Tweed—9.

So the motion was carried.

Mr. Mizner moved that the rule be suspended fixing the adjournment of the Senate each day at five o'clock P. M. until the question under discussion shall be concluded.

The ayes and noes were demanded by Messrs. Mandeville, Chappell and Lewis.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—23.

NOES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murch, Pearce, Pendegast, Saunders, Tweed—14.

So the rule was suspended.

Mr. Pearce offered the following amendment to the bill under discussion: Strike out the words "one hundred and fifty," in section one, and insert in lieu thereof the word "twenty."

The ayes and noes were demanded by Messrs. Pendegast, Murch and Mandeville.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Ewer, Hunter, Johnson, Lewis, Mandeville, Murch, Pearce, Pendegast, Tweed—11.

NOES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Kincaid, Lawrence, Maclay, McDougall, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—25.

So the amendment was rejected.

Mr. Johnson offered the following amendment :

Amend section two by adding :

“ Provided, the real estate herein granted shall be used for purposes connected with the legitimate business of said railroad companies, and for no other purposes, and shall be forever inalienable by said companies ; and in the event of any conveyance being made by said railroad companies, or either of them, to any person or persons, corporation or corporations, company or companies, of the property herein granted, the property thus conveyed shall revert to and become the property of the State of California.”

The ayes and noes were demanded by Messrs. Johnson, Murch and Bradley.

The vote was as follows :

AYES—Messrs. Bradley, Conly, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, Murch, Pearce, Pendegast, Roberts, Tweed—13.

NOES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, McDougall, Mizner, Morrill, Perley, Pratt, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—24.

So the amendment was rejected.

Mr. Kincaid moved to amend by striking out the words “one hundred and fifty,” wherever they occur in the bill, and inserting the words “one hundred.”

The ayes and noes were demanded by Messrs. Mandeville, Murch and Kincaid and the Senate refused to adopt the amendment, by the following vote :

AYES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Pearce, Pendegast, Saunders, Tweed—15.

NOES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—22.

Mr. Hager moved to amend as follows : After the words “low tide,” in section one, add the following :

“ Nor beyond such line as may be established by law, or as may be fixed on or indicated by the State Harbor Commissioners as a proper permanent water line front of said city.”

Also, to amend as follows : Insert after the word “Governor,” in thirteenth line, first section, the words “the Controller and the Attorney-General of State.”

Also, the following: In section one, line four, second page, add after "Governor," "Controller and Attorney-General of State."
Severally adopted.

Mr. Mandeville offered the following amendment: After the word "manner," in line twelve, of first section, insert the words "and at the place or places, in one or more parcel or parcels."

The ayes and noes were demanded by Messrs. Mandeville, Johnson and Green, and the amendment was rejected by the following vote:

AYES—Messrs. Bradley, Conn, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Pearce, Pendegast, Roberts, Saunders, Tweed—16.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Rose, Shaw, Teegarden, Wadsworth, Wolcott—19.

Mr. Shaw moved to suspend the rules, consider the bill engrossed and place it on its passage.

Mr. Pratt moved the previous question, and the same was seconded.

The ayes and noes were demanded on the question, Shall the main question be now put? by Messrs. Pearce, Green and Hunter, and it was ordered, by the following vote:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—23.

NOES—Messrs. Bradley, Ewer, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murch, Pearce, Pendegast, Saunders, Tweed—13.

On adopting the motion of Mr. Shaw, the ayes and noes were demanded by Messrs. Murch, Lewis and Mandeville.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—23.

NOES—Messrs. Bradley, Ewer, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murch, Pearce, Pendegast, Saunders, Tweed—13.

Not two thirds voting in the affirmative, the motion was lost.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Murch, Lewis and Pearce.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Pearce, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—24.

NOES—Messrs. Bradley, Ewer, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murch, Pendegast, Saunders, Tweed—12.

So the bill was ordered engrossed.

Mr. Pearce gave notice of a motion to reconsider the foregoing vote.

Mr. Shaw moved that the evening session to-night commence at half past seven o'clock.

The motion was adopted, and at five o'clock and thirty minutes, on motion of Mr. Shaw, the Senate adjourned.

EVENING SESSION.

The Senate was called to order at half past seven o'clock P. M.

President in the chair.

Roll called.

Quorum present.

On motion of Mr. Rose, Senate Bill No. 494 was placed on the top of the file for to-morrow evening.

Mr. Lewis moved that the Committee on Commerce and Navigation report forthwith Senate Bill No. 387, returned from the Assembly in compliance with a resolution of the Senate passed this morning.

Mr. Belden moved that Senate Bill No. 373, second on the file for this evening, be ordered placed on top of the general file for to-morrow; and that Senate Bill No. 387, above referred to, be then reported back from the Committee on Commerce and Navigation, that any alleged error therein may be duly corrected.

The motion of Mr. Belden was adopted.

Mr. Pendegast, according to previous notice, moved to reconsider the vote whereby the Senate yesterday evening passed Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

Mr. Lewis moved the previous question, which was ordered.

On adopting the motion of Mr. Pendegast, the ayes and noes were demanded by Messrs. Mandeville, Green and Lewis.

The vote was as follows:

AYES—Messrs. Belden, Ewer, Hardy, Hunter, Johnson, Lewis, Mandeville, McDougall, Pearce, Pendegast, Tubbs, Wolcott—12.

NOES—Messrs. Beach, Bradley, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Murch, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tweed, Wadsworth—25.

So the Senate refused to reconsider.

SPECIAL FILE.

Senate Bill No. 375—An Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

The rules were suspended, the bill considered engrossed, read a third time and passed.

Senate Bill No. 376—An Act to amend an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe the sum of seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment

of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 365—An Act to appropriate money to pay the expense of resisting the authorities of the State of Nevada by the officers of Plumas County, in the year eighteen hundred and sixty-three.

Ordered engrossed.

Assembly Bill No. 443—An Act to give additional power to the Board of Supervisors of Santa Barbara County to levy a road tax.

Ordered to foot of special file.

Senate Bill No. 465—An Act to repeal certain Acts incorporating the Town of Columbia, in the County of Tuolumne, and all Acts amendatory thereof.

Mr. Wolcott moved to lay the bill on the table.

Lost.

The bill was then ordered engrossed.

Senate Bill No. 466—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Curtis, Bradley and Heacock.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Ewer, Freeman, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Morrill, Pearce, Pendegast, Roberts, Teegarden, Tubbs, Tweed, Wadsworth—22.

NOES—Messrs. Belden, Chappell, Conly, Curtis, Green, Lawrence, Mizner, Murch, Perley, Pratt, Rose—11.

So the bill was ordered engrossed.

Mr. Heacock gave notice of a motion to reconsider the foregoing vote.

On motion of Mr. Lewis, at ten o'clock and forty minutes p. m. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, March 19th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Tubbs, Rose, Ewer and Hardy had leave to be recorded as being present at roll call.

Mr. Mizner, pursuant to notice, moved to reconsider the vote whereby the Senate on yesterday ordered to engrossment, Senate Bill No. 377—An Act to dispose of certain submerged and tide lands belonging to the State of California, and for the reclamation and improvement of the same.

Mr. Hager moved to make the motion to reconsider, above referred to, the special order for this evening at eight o'clock.

Messrs. Hager, Mandeville and Bradley demanded the ayes and noes. The vote was as follows:

AYES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Saunders, Tweed, Wadsworth—16.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—20.

So the motion was lost.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Murch, Chappell and Pearce.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Saunders, Tweed, Wadsworth—16.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—20.

So the Senate refused.

Mr. Shaw verbally reported, recommending the passage of Senate Bill No. 468—An Act to provide revenue for the support of the Government.

On motion of Mr. Belden, Senate Bill No. 468, above reported, was ordered placed on top of the general file for Monday, March twenty-third, eighteen hundred and sixty-eight.

REPORT.

The rules were suspended, and Mr. Mizner had leave to make the following report:

Mr. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven—report the same back and recommend its passage.

Also, Senate Bill No. 534—An Act granting the privilege to James B. Peck and his assigns to build a wharf at Saucelito, Marin County—report the same back and recommend its passage.

Also, Senate Bill No. 542—An Act to authorize the sale and confirmation of certain tide lands in the City and County of San Francisco—report the same back without recommendation.

MIZNER, Chairman.

Mr. Mizner moved to transmit to the Assembly, Senate Bill No. 387—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco.

Messrs. Curtis, Lewis and Chappell demanded the ayes and noes on the adoption of the motion.

The vote was as follows:

AYES—Messrs. Belden, Conly, Freeman, Hager, Hardy, Hunter, Kincaid, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Perley, Roberts, Rose, Saunders, Tubbs, Wadsworth, Wolcott—21

NOES—Messrs. Bradley, Chappell, Curtis, Ewer, Green, Heacock, Johnson, Murch, Pearce, Pratt, Teegarden, Tweed—12.

So the motion was carried.

The hour fixed for the consideration of the general file (the special order) having arrived, on motion of Mr. Kincaid, the order was temporarily postponed, and Assembly messages taken up.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,
March 19th, 1868. }

Mr. PRESIDENT: The Assembly on yesterday passed Senate Bill No. 496—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of the State, certain rights and privileges—with an amendment.

Also, Senate Bill No. 441—An Act to provide for levying a special tax to construct a public school-house in Nevada School District, in the County of Nevada.

Also, Senate Bill No. 239—An Act to provide for the grading of the public alleys and the construction of sewers therein in the City of Sacramento.

Also, Senate Bill No. 85—An Act to extend a franchise heretofore granted to J. K. Hackett and Charles D. Judah to use and continue a wharf and to charge and collect wharfage.

Also, Senate Bill No. 448—An Act to provide for ascertaining the indebtedness of the Counties of Tulare and Los Angeles prior to the organization of Kern.

Also, Senate Bill No. 347—An Act amendatory of and supplementary to an Act entitled an Act concerning the officers of Calaveras County and the collection of poll taxes, license taxes and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine.

Also, Assembly Bill No. 286—An Act to create a Jury Fund and fix the compensation of grand and trial jurors in Calaveras County.

Also, Assembly Bill No. 494—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda.

Also, Assembly Bill No. 614 (substitute for Assembly Bill No. 486)—An Act to legalize the acts of the Board of Supervisors of Lake County, California, done at a special meeting of said Board, commencing on the eleventh of March, eighteen hundred and sixty-seven.

Also, Assembly Bill No. 466—An Act to provide for the election of a jail and County Recorder's office building in Alameda County.

Also, Assembly Bill No. 573—An Act to enable Jonas Spector to float certain claims to swamp and overflowed lands in Sutter County.

Also, Assembly Bill No. 526—An Act concerning hogs found running at large in the County of Monterey.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 19th, 1868. }

MR. PRESIDENT: On the sixteenth instant the House refused to concur in Senate amendments to Assembly Bill No. 64—An Act to authorize Thomas D. Mott, A. J. King and others to build a wharf or wharves.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 17th, 1868. }

MR. PRESIDENT: The Assembly have passed Assembly Bill No. 677—An Act to enable the City of Oakland to settle its controversies.

Also, Assembly Bill No. 681—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco.

Also, Assembly Bill No. 641—An Act to amend an Act entitled an Act to authorize the formation of corporations

Also, Assembly Bill No. 581—An Act to amend section two hundred and five of an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Assembly Bill No. 551—An Act to amend an Act entitled an Act to authorize District Judges in certain cases to sign records and title statements.

Also, Assembly Bill No. 532—An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers.

Also, Assembly Bill No. 493—An Act concerning deficiencies in certain proceedings based on judgments recorded for delinquent taxes.

Also, Assembly Bill No. 492—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State.

Also, Assembly Bill No. 491—An Act to provide for the appointment of trustees in certain cases.

Also, Assembly Bill No. 347—An Act to repeal section thirteen of an Act entitled an Act to provide for binding minors as apprentices, clerks and servants.

Also, Assembly Bill No. 351—An Act supplementary to an Act entitled an Act for encouragement of agriculture and manufacturing in California.

Also, Assembly Bill No. 221—An Act concerning conveyances of Indian pueblos for public purposes.

Also, Assembly Bill No. 39—An Act amendatory of and supplementary to an Act concerning County Recorders.

J. R. BEARD,

Assistant Clerk.

ASSEMBLY CHAMBER, }
March 18th, 1868. }

MR. PRESIDENT: The Assembly have passed Assembly Bill No. 60—An Act granting leave of absence to W. C. Stratton.

Also, Assembly Bill No. 508—An Act to create a Redemption Fund for the County of Calaveras.

Also, Assembly Bill No. 591—An Act declaring streams in the County of Alameda navigable.

Also, substitute for Assembly Bill No. 486—An Act to legalize the assessment of taxes in the County of Lake and State of California for the fiscal year commencing on the first of March, eighteen hundred and sixty-seven.

Also, substitute for Assembly Bill No. 477—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

Also, Assembly Bill No. 525—An Act concerning hogs found running at large in the Counties of Mono and Inyo.

J. R. BEARD,

Assistant Clerk.

ASSEMBLY CHAMBER, }
March 18th, 1868. }

MR. PRESIDENT: The Assembly has passed Senate Bill No. 204—An Act supplementary to an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 583—An Act to create and organize the University of California.

J. R. BEARD,

Assistant Clerk.

ASSEMBLY CHAMBER, }
March 18th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed Assembly Bill No. 56 (substitute for Assembly Bills Nos. 154, 310 and 325).

J. R. BEARD,

Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate refused to recede from its amendments to Assembly Bill No. 64, above reported.

On motion of Mr. Roberts, the rules were suspended, and the President (Mr. Mandeville), had leave to appoint Messrs. Mizner, McDougall and Beach as a Committee of Free Conference on the disagreeing vote between the two houses on Assembly Bill No. 64, above referred to.

Assembly Bill No. 68, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 492, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 491, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 486, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 581, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 551, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 532, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 493, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 39, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 221, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 347, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 677, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 605, above reported, was read first and second times; rules suspended, bill read a third time and passed.

Assembly Bill No. 641, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 591, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 583, above reported, was read first and second times and referred to the Special Committee on State University.

Assembly Bill No. 286, above reported, was read first and second times and placed on file.

Assembly Bill No. 508, above reported, was read first and second times and placed on file.

Assembly Bill No. 525, above reported, was read first and second times and placed on file.

Assembly Bill No. 494, above reported, was read first and second times and referred to the Alameda delegation.

Assembly Bill No. 466, above reported, was read first and second times and referred to the Alameda delegation.

Assembly Bill No. 526, above reported, was read first and second times and referred to the Monterey delegation.

Assembly Bill No. 536, above reported, was read first and second times

and referred to the San Francisco delegation with a request to report the bill back on to-morrow morning.

Assembly Bill No. 573, above reported, was read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 614, above reported, was read first and second times and referred to the Lake delegation.

Assembly Bill No. 477, above reported, was read first and second times and referred to Committee on Claims.

Assembly Bill No. 551, above reported, was read first and second times and referred to the Committee on Agriculture.

The Senate concurred in Assembly amendments to Senate Bill No. 496, above reported.

REPORTS.

The rules were suspended for the introduction of the following:

Mr. Green, from the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 474—An Act to provide for the management and sale of the land belonging to the State—have made sundry amendments thereto, and a majority of Committee report it back recommending its passage as amended.

Also, Senate Bill No. 533—An Act for the relief of purchasers of swamp and overflowed lands—and report the same back with a substitute, and recommend the passage of the substitute.

GREEN, for Committee.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 530—An Act to amend an Act entitled an Act to regulate fees in office in the County of Nevada, approved April eighteenth, eighteen hundred and fifty-nine.

Senate Bill No. 532—An Act concerning roads and highways in the County of San Bernardino.

Senate Bill No. 413—An Act to fund the debt of Sierra County and provide for the payment of the same.

Senate Bill No. 590—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five.

Senate Bill No. 411—An Act supplementary to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Senate Bill No. 541—An Act supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

Senate Bill No. 529—An Act amendatory of and supplemental to an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Com-

pany, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Senate Bill No. 537—An Act to transfer certain moneys to the Common School Fund of the County of Siskiyou.

Senate Bill No. 528—An Act amendatory of and supplemental to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe the sum of seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Senate Bill No. 548—An Act to authorize the Board of Supervisors of Tulare County to re-district the County of Tulare into Supervisor Districts.

Senate Bill No. 531—An Act to re-fund the funded debt of the County of San Bernardino.

Senate Bill No. 391—An Act to prohibit the trapping or snaring of quail to be sold for edible purposes.

Senate Bill No. 473—An Act to provide depot grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroads, and other matters relating thereto.

Senate Bill No. 515—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Senate Bill No. 420—An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador and to prescribe the manner of paying the same.

Senate Bill No. 545—An Act to authorize Frederick W. Kuelp, Hugo Schenk, John Foster, William Workman, Theodore Riser, A. Langenberger, their associates and assigns, to construct and maintain a wharf in Los Angeles County.

Senate Bill No. 536—An Act amendatory of and supplementary to an Act entitled an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four.

Senate Bill No. 523—An Act to amend an Act entitled an Act to provide a fund for the redemption and prescribing the manner of redeeming the outstanding county warrants drawn on the Treasurer of Tuolumne County, and further to provide for the payment of all the expenses of said Tuolumne County in cash, approved February twelfth, eighteen hundred and sixty-three.

Senate Bill No. 418—An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

Senate Bill No. 339—An Act to authorize the establishment of a Board of Health in the City of Sacramento.

Substitute for Senate Bill No. 382—An Act to provide for a wooden railroad within the County of Santa Clara.

Substitute for Senate Bill No. 467—An Act for the relief of C. C. Townsend.

Substitute for Senate Bill No. 377—An Act to dispose of certain sub-

merged and tide lands belonging to the State of California, and for the reclamation and improvement of the same.

Senate Concurrent Resolution No. 61, granting leave of absence from the State to W. J. Costigan, County Clerk of Solano County.

WADSWORTH, Chairman.

Mr. Saunders, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back, and respectfully recommend its passage:

Assembly Bill No. 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county—with amendments.

SAUNDERS, for Delegation.

The rules were suspended for the introduction of the following bill: By Mr. Tubbs—An Act making an additional appropriation for lights and fuel for the Legislature and State officers.

Read first and second times.

Pending further consideration thereon, the hour arrived for the usual daily recess.

AFTERNOON SESSION.

The Senate reassembled at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

On motion of Mr. Tubbs, the Senate resumed consideration of the bill offered by him before recess.

The rules were suspended, bill considered engrossed, read a third time and passed; rules further suspended, and bill ordered immediately transmitted to the Assembly.

REPORTS.

Mr. Hager, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The San Francisco delegation have had the following bills under consideration, report the same back and respectfully recommend their passage with the following amendments:

Assembly Bills Nos 92 and 346.

Amend Assembly Bill No. 92, by striking out section twelve and inserting the body of Assembly Bill No. 346, after the enacting clause, and numbering the sections thereof consecutively, commencing with number twelve, being section one of Bill No. 346.

Make a corresponding change in section thirteen of Bill No. 92, so that it will be the last section in the bill.

HAGER, for Delegation.

Mr. Tubbs, Chairman of the Finance Committee, made the following report :

Mr. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 479—An Act to provide for the collection of certain moneys due this State—report the same back and recommend its reference to the Judiciary Committee.

Also, having had under consideration Senate Bill No. 469—An Act to provide for the care and instruction of juvenile offenders in the State of California—report a substitute therefor and recommend the passage of the substitute.

TUBBS, Chairman.

Mr. Bradley, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 145—An Act defining the boundary line between the Counties of Santa Barbara and San Luis Obispo—report the same back and recommend its passage.

BRADLEY, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, presented the following report:

Mr. PRESIDENT: Your Committee on Corporations have considered Senate Bill No. 475—An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-eight—report the same back with a substitute and recommend the passage of the substitute.

Also, have considered Senate Bill No. 480—An Act granting to Bradley V. Sargent and others the right to create gas works and lay gas pipes in the City of Monterey—have made five amendments thereto and recommend the passage of the bill as amended.

PRATT, Chairman.

Mr. Mureh, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, substitute for Senate Bill No. 121—An Act to provide for the sale of escheated estates;

Also, Senate Bill No. 137—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Senate Bill No. 342—An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges;

Also, Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids and substances;

Also, Senate Bill No. 233 (substitute)—An Act in relation to witnesses;

Also, Senate Joint Resolution No. 43, relative to the Mendocino Indian Reservation;

And this day, at ten o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

And the Committee have examined and find correctly enrolled, Senate

Concurrent Resolution No. 66, relative to adjournment as a mark of respect to the memory of the Honorable Henry Hare Hartley, late deceased.

MURCH, Chairman.

Mr. Shaw, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The majority of the San Francisco delegation, to whom was referred Senate Bill No. 482, report the same back and recommend its passage.

SHAW, for Delegation.

Mr. Curtis, from the Sacramento delegation, made the following report:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 533—have had the same under consideration, report the same back with an amendment, and recommend its passage with the amendment.

Also, Assembly Bill No. 444, report the same back with amendment, and recommend its passage with the amendment.

**CURTIS,
HEACOCK,
Sacramento Delegation.**

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 459—An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco—having had the same under consideration, report it back without recommendation.

Also, Senate Bill No. 522—An Act concerning crimes and punishments—with amendments, and recommend its passage as amended.

BELDEN, Chairman.

The rules were suspended, and, by leave, Mr. Lewis introduced a bill for an Act to repeal an Act to provide a special fund for the construction of the State Capitol building, at the City of Sacramento.

The bill was read first and second times.

On a motion to refer the same to the Committee on Public Buildings, the ayes and noes were demanded by Messrs. Hager, Lewis and Bradley, and it was referred by the following vote:

AYES—Messrs. Belden, Bradley, Chappell, Conly, Curtis, Ewer, Green, Hardy, Heacock, Hunter, Mizner, Murch, Murphy, Perley, Pratt, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—21.

NOES—Messrs. Hager, Johnson, Lewis, Maclay, Mandeville, McDougall, Morrill, Pearce, Pendegast, Roberts, Saunders, Tweed—12.

GENERAL FILE.

Senate Bill No. 373—An Act authorizing the Board of State Harbor

Commissioners to lease the privilege of collecting dockage, wharfage and tolls on a portion of the water front of the City and County of San Francisco.

Considered in Committee of the Whole and amended.

IN SENATE.

The ayes and noes were demanded by Messrs. Mandeville, Green and Curtis, on a motion to amend the first amendment reported by the committee, by inserting "three" years instead of "ten," as the period of the proposed lease.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Shaw, Tubbs, Wadsworth—19.

NOES—Messrs. Chappell, Conly, Curtis, Freeman, Green, Hardy, Heacock, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Rose, Teegarden, Tweed, Wolcott—17.

So the motion prevailed.

Mr. Pearce moved to strike out the enacting clause of the bill.

The ayes and noes were demanded by Messrs. Pearce, Hunter and Lewis.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Murch, Pearce, Pendegast, Saunders, Shaw, Wadsworth—17.

NOES—Messrs. Conly, Curtis, Freeman, Green, Hardy, Heacock, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Teegarden, Tubbs, Tweed, Wolcott—18.

So the Senate refused.

The following amendment was offered: Amend section one by inserting after the words "gold coin," as follows:

"For the first year of said term, and such increased rent as the said Board of State Harbor Commissioners may deem just and equitable for the remainder of said term, the amount thereof to be fixed every year."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Curtis, Mizner and Green.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Shaw, Tubbs, Wadsworth—20.

NOES—Messrs. Conly, Curtis, Freeman, Green, Hardy, Heacock, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Rose, Teegarden, Tweed, Wolcott—16.

So the amendment was adopted.

Mr. Lewis moved that the further consideration of the bill be indefinitely postponed.

The ayes and noes were demanded by Messrs. Curtis, Lewis and Pearce.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Murch, Murphy, Pearce, Pendegast, Saunders, Shaw, Wadsworth—18.

NOES—Messrs. Conly, Curtis, Freeman, Green, Hardy, Heacock, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Teegarden, Tubbs, Tweed, Wolcott—18.

There being a tie, the President, in the exercise of his constitutional privilege, voted aye, and so the bill was indefinitely postponed.

RECONSIDERATION.

On a motion to reconsider the vote whereby the Senate passed Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California and the publication thereof—the ayes and noes were demanded by Messrs. Mandeville, Murch and Beach.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Hager, Johnson, Kincaid, Lewis, Mizner, Murch, Pearce, Roberts, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Curtis, Freeman, Green, Hardy, Heacock, Hunter, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Pratt, Rose—14.

So the motion was carried.

Mr. Mizner moved to strike out the enacting clause of the bill.

The ayes and noes were demanded by Messrs. Mandeville, Rose and Chappell.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Conly, Ewer, Hager, Johnson, Mizner, Murch, Perley, Saunders, Teegarden, Tubbs, Tweed, Wadsworth—14.

NOES—Messrs. Beach, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Hunter, Kincaid, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Pratt, Roberts, Rose, Shaw, Wolcott—21.

So the Senate refused.

Mr. Roberts moved to reconsider the vote whereby the bill was previously ordered engrossed.

The ayes and noes were demanded by Messrs. Rose, Green and Mandeville.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Conly, Ewer, Hager, Johnson, Lewis, Maclay, Mizner, Murch, Roberts, Saunders, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—17.

NOES—Messrs. Chappell, Curtis, Freeman, Green, Hardy, Heacock, Hunter, Kincaid, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Perley, Pratt, Rose, Shaw—18.

So the motion was lost.

Mr. Rose moved to recommit the bill with special instructions.

Pending the question thereon, the hour arrived for the consideration of the next order of business.

Mr. Johnson moved to reconsider the vote whereby the Senate ordered engrossed Senate Bill No. 466.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider, and the Senate so ordered.

The rules were suspended to allow Mr. Pratt to offer a resolution, directing the Controller to draw his warrants for the payment of mileage and attendance of L. L. Robinson and William J. Lewis, as witnesses before the Senate Committee on Corporations.

The resolution was adopted.

PETITIONS.

Petitions were presented, as follows :

By Mr. Tubbs—Of citizens of San Francisco, protesting against the passage of O'Malley's School Bill.

Read and referred to the San Francisco delegation.

By Mr. Perley—Of citizens of San Joaquin County, relative to swamp and overflowed lands.

Referred to the Committee on Swamp and Overflowed Lands.

By Mr. Rose—Of citizens of Amador County, relative to the modification of the Hog Law.

Laid on the table.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 414—An Act to incorporate the Town of Redwood City.

WADSWORTH, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows :

By Mr. Mandeville—An Act in relation to the sureties on the official bond of Thomas Norwood, late Treasurer of Tuolumne County.

Read first and second times.

The rules were suspended and the bill amended.

The rules were again suspended, bill considered engrossed, read a third time and passed.

By Mr. Teegarden—An Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, and the various Acts supplementary to and amendatory thereof.

Read first and second times and referred to the San Francisco delegation.

By Mr. Tubbs—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Yerba Buena Park.

Read first and second times and placed on file.

By Mr. Mizner—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, approved April thirtieth, eighteen hundred and sixty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Curtis—An Act to provide for a proper Hospital in Sacramento.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }
March 19th, 1868. }

Mr. PRESIDENT: The Assembly have this day passed Assembly Bill No. 333—An Act to provide for the construction and use of Mission Creek Canal, in the City and County of San Francisco.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 333, above reported, was read first and second times and placed on file.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 16th, 1868. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 262—An Act to establish and define the powers and duties of the Board of Education of the City of Oakland.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 18th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 428—An Act to provide for the government of the County of San Diego.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, March 19th, 1868. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 259—An Act to authorize the County of Sonoma to donate bonds to a railroad company, and to provide for the payment of the same;

Also, Senate Bill No. 127—An Act to purchase a transit instrument for the office of the Surveyor-General;

Also, Senate Bill No. 249—An Act to punish assaults with caustic or corrosive liquids and substances;

Also, substitute for Senate Bill No. 233—An Act in relation to witnesses.

H. H. HAIGHT, Governor.

On motion of Mr. Roberts, Senate Bills Nos. 310 and 517 were ordered placed fifth and sixth on file for to-morrow.

The rules were suspended, and Mr. Lewis had leave to make a verbal report from a minority of the Committee on Military Affairs, reconsidering the passage of printed Senate Bill No. 69—An Act concerning the organization of the militia.

Ordered seventh on file for to-morrow morning.

Mr. Belden gave notice of a motion to reconsider the vote whereby the Senate refused to order engrossed Senate Bill No. 373, above disposed of.

GENERAL FILE RESUMED.

Senate Bill No. 250 was taken from the file and ordered second on file for Monday.

Senate Bill No. 83—An Act concerning taxes in the County of San Luis Obispo.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Heacock, Chappell and Green.

The vote was as follows :

AYES—Messrs. Freeman, Green, Hardy, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Murphy, Pratt, Rose, Shaw—15.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Hager, Heacock, Hunter, Johnson, Pearce, Perley, Roberts, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

So the Senate refused.

At five o'clock, Senate Bill No. 380 being under consideration, the President pronounced the Senate adjourned until half-past seven o'clock P. M.

EVENING SESSION.

The Senate was called to order at seven o'clock and thirty minutes P. M. President in the chair.

Roll called.

Quorum present.

SPECIAL FILE.

The Senate took up the special file.

On motion of Mr. Hager the rules were suspended, and Senate Bill No. 512—An Act for the relief of William O'Shea—was taken up out of its order.

Rules suspended, bill considered engrossed, read a third time and passed.

The rules were again suspended for the introduction of the following bill:

By Mr. Pearce—Substitute for Senate Bill No. 459—An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco not embraced within the limits of the City of San Francisco as established by an Act entitled an Act to re-incorporate the City of San Francisco, passed April fifteenth, eighteen hundred and fifty-seven.

Read first and second times.

On motion of Mr. Pearce, the bill was made the special order for Monday, March twenty-third, eighteen hundred and sixty-eight, at two o'clock P. M., and ordered printed.

On motion of Mr. Chappell, Assembly Bill No. 84—An Act to authorize and empower E. H. Schwatka, of Siskiyou County, to take from the State Prison at San Quentin a number of State Prison convicts, not exceeding one hundred, for the purpose of constructing roads along and over the mountains of Siskiyou, Klamath, Del Norte and Humboldt Counties, and to provide for their care and support—was taken from the file, referred to the delegations from Siskiyou, Del Norte, Shasta and Trinity, and ordered printed.

On motion of Mr. Rose, Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad—was taken up.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments of committee adopted.

Mr. Hager offered an amendment, to add at the end of section one:

"Provided, also, the lands granted or to be conveyed by any patent issued under this Act are upon this express condition: that the said Terminal Central Pacific Railroad Company shall establish its terminal depot and station on said lands, and shall use and continue to use said lands and right of way as a terminus and for the purposes and business of said company; and if it shall fail so to do, any grant of said lands by virtue of this Act shall become void and of no effect, and said lands shall revert to the State."

On adopting the amendment, Messrs. Roberts, Saunders and Hager demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Mizner, Morrill, Murphy, Pendergast, Pratt, Roberts, Rose, Saunders, Teegarden, Tweed, Wadsworth, Wolcott—31.

No—Mr. Pearce—1.

So the amendment was adopted.

Mr. Pearce offered the following amendment: Strike out the word "company" in the proviso and insert in lieu thereof the words "railway only."

Lost.

Mr. Ewer offered the following amendment: Amend line eleven, section one, by adding after the word "company," as follows: "necessary for carrying on the business of the company."

Adopted.

Mr. Rose moved to amend line first, section one, by inserting the word "company" and by striking out the word "said" and inserting in lieu thereof the word "the."

Adopted.

Mr. Rose moved to suspend the rules, consider the bill engrossed and place it on its passage.

Messrs. Rose, Mandeville and Johnson demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Kincaid, Lawrence, Lewis, Maclay, Mizner, Morrill, Pendegast, Perley, Pratt, Rose, Teegarden, Wolcott—23.

NOES—Messrs. Bradley, Conly, Hunter, Johnson, Mandeville, Murch, Murphy, Pearce, Roberts, Saunders, Shaw, Tubbs, Wadsworth—13.

Not two-thirds voting in the affirmative, the motion was lost.

Mr. Saunders offered the following amendment: At the end of section one, insert:

"Said company shall not at any time hereafter demand or receive any wharfage, dockage, or other consideration, for the landing or unloading of vessels at said land hereby granted, or any part thereof, but the same shall be subject in all respects to the laws and regulations in relation to the collecting of wharfage and dockage for the City of San Francisco, and subject in all respects to the jurisdiction of the Board of Harbor Commissioners of the Harbor of San Francisco."

Adopted.

Mr. Maclay moved to suspend the rules, consider the bill engrossed and place it on its passage.

Messrs. Johnson, Mandeville and Hunter demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Lawrence, Lewis, Maclay, Mizner, Morrill, Pratt, Rose, Saunders, Teegarden, Tubbs, Wolcott—22.

NOES—Messrs. Bradley, Conly, Hunter, Johnson, Kincaid, Mandeville, Murch, Murphy, Pearce, Pendegast, Roberts, Shaw, Tweed, Wadsworth—14.

So the motion was lost.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Johnson, Murch and Bradley.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Ewer, Freeman,

Green, Hager, Hardy, Heacock, Kincaid, Lawrence, Lewis, Maclay, Mizner, Morrill, Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tubbs, Wolcott—25.

NOES—Messrs. Bradley, Conly, Hunter, Johnson, Mandeville, Murch, Murphy, Pearce, Pendegast, Tweed, Wadsworth—11.

So the bill was ordered engrossed.

Senate Bill No. 473—An Act to provide depot grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroad Company, and other matters relating thereto.

Recommitted to the Committee on Commerce and Navigation, with special instructions offered by Mr. Heacock.

Senate Bill No. 377—An Act to dispose of certain submerged and tide lands belonging to the State of California, and for the reclamation and improvement of the same.

Mr. Mandeville moved to adjourn.

Lost.

Mr. Mandeville alleged that the bill was improperly placed on the special file, and moved that it be transferred to the general file.

Mr. Pearce raised a point of order, that to make such transfer would require a suspension of the rules.

Mr. Freeman demanded the previous question.

The President, deciding the point of order adversely, said the bill under discussion was of a general nature, but as the Senate had authorized the Secretary to separate special from general bills and make up files of each, he would therefore rule that, the bill being on the file, it was properly before the Senate.

Mr. Pearce appealed from the decision.

On the question, "Shall the decision of the President stand as the decision of the Senate?" being put, it was decided in the affirmative.

The previous question was demanded by Mr. Freeman, and seconded.

On putting the main question, the ayes and noes were demanded by Messrs. Hager, Johnson and Green, and it was ordered by the following vote:

AYES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—20.

NOES—Messrs. Bradley, Conly, Conn, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Saunders, Tweed, Wadsworth—18.

The motion to transfer, offered by Mr. Mandeville, being put, the ayes and noes were demanded by Messrs. Mandeville, Hunter and Beach.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Saunders, Tweed, Wadsworth—15.

NOES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—22.

So the motion was lost.

Mr. Mandeville moved to adjourn.

The ayes and noes were demanded by Messrs. Green, Hunter and Beach.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Saunders, Tweed, Wadsworth—16.

NOES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—22.

So the Senate refused.

On the passage of the bill, the ayes and noes were demanded by Messrs. Mandeville, Lewis and Beach.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Freeman, Green, Hardy, Heacock, Johnson, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—22.

NOES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Saunders, Tweed, Wadsworth—16.

So the bill was passed.

Mr. Johnson gave notice of a motion to reconsider the foregoing vote.

On motion of Mr. Mandeville, at ten o'clock and twenty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Friday, March 20th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Stone.

Journal of yesterday read, amended and approved.

On motion of Mr. Tubbs, Assembly Bill No. 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of certain streets within said city and county—was taken from the file, reported amendments adopted, read third time and passed.

Mr. Johnson, pursuant to notice, moved to reconsider the vote whereby the Senate on yesterday passed Senate Bill No. 377—An Act to dispose

of certain submerged and tide lands belonging to the State of California, and for the reclamation and improvement of the same.

The motion was adopted.

Mr. Belden moved to recommit the bill to the Chairman of the Committee on Corporations, with the following special instructions: Strike out from section one, after the word "city," to and including the word "companies," on line thirty-first, and in lieu thereof insert as follows:

"Together with the right of way for said companies to said terminus over the lands of this State for the road beds and tracks of said companies. The Board of Commissioners herein named to fix and designate the lands (not to exceed a strip three hundred feet in width for both said companies), over which said right of way shall be exercised. And provided that such right of way shall not be construed to interfere with the proper establishment and regulation of streets and alleys by the proper authorities of the City of San Francisco."

Amend further, by striking out of section first, line thirty-seventh, the word "two" and inserting in lieu thereof the word "one."

And the said Chairman of the Committee on Corporations is hereby directed to so amend said Act and forthwith report the same back to the Senate for its action thereupon.

Mr. Ewer moved to strike out "three hundred" in the instructions offered by Mr. Belden and insert in lieu thereof "two hundred."

Lost.

Mr. Mandeville offered the following additional instructions:

"Provided the lands granted or to be conveyed by any patent issued under this Act are upon this express condition: that the said Western Pacific and Southern Pacific Railroad Companies shall establish their terminal depots and stations on said lands, and shall use and continue to use said lands and right of way as a terminus, and for the purpose and business of said companies; and if they shall fail so to do, any grant of said lands by virtue of this Act shall become void and of no effect, and said lands shall revert to the State."

Messrs. Mandeville, Johnson and Green demanded the ayes and noes on the adoption of the foregoing additional instructions.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Tweed, Wadsworth—18.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Mizner, Morrill, Perley, Pratt, Rose, Shaw, Teegarden, Tubbs, Wolcott—18.

There being a tie, the President, in the exercise of his constitutional privilege, voted aye, and the motion prevailed.

Mr. Mandeville moved the adoption of the following as additional instructions: After the word "manner," in line twelve of first section, insert the words, "and at the place or places in one or more parcels."

Messrs. Mandeville, Pendegast and Lewis demanded the ayes and noes on the adoption of the motion.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Tweed, Wadsworth—18.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Green, Hager, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Rose, Shaw, Teegarden, Tubbs, Wolcott—19.

So the motion was lost.

Mr. Johnson offered the following additional instructions: Amend by instructing the Committee to strike out the words, "but in making said appraisal the said Commissioners may take into consideration the benefits resulting to the adjoining lands belonging to the State, resulting from the location of said terminus upon the said lands so selected."

The Senate refused to so instruct, by the following vote, the ayes and noes having been demanded by Messrs. Johnson, Mandeville and Pendegast:

AYES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Tweed, Wadsworth—18.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Rose, Shaw, Teegarden, Tubbs, Wolcott—19.

Mr. Hager offered the following additional instructions: "Amend so as to reduce and limit the quantity of lands for terminal purposes for both companies to one hundred and fifty acres, and to make provision to provide for the establishment and opening of streets through said lands as may be necessary and proper for the advancement and convenience of the City of San Francisco and its inhabitants."

Pending further consideration thereon, the hour arrived for the usual daily recess.

AFTERNOON SESSION.

The Senate reassembled at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

The President announced that the business before the Senate was the consideration of the special instructions offered by Mr. Hager.

Mr. Hager withdrew the instructions offered by him.

Mr. Roberts moved to reconsider the vote whereby the Senate adopted an amendment offered by Mr. Mandeville.

The ayes and noes were demanded by Messrs. Lewis, Mandeville and Green.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—20.

NOES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Saunders, Tweed, Wadsworth—17.

So the vote was reconsidered.

The bill was recommitted with the instructions offered by Mr. Belden, above recorded.

Mr. Pratt, from the Committee on Corporations, having received the bill and special instructions of the Senate, forthwith reported back the bill amended as directed, with a recommendation in favor of its passage.

Mr. Mandeville raised the point of order, that the bill should take its place on the general file of bills, as other bills do which are reported from day to day by Senate Standing Committees.

The President decided the point of order well taken.

Mr. Belden appealed to the Senate from the decision of the President.

On the question, Shall the decision of the President stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Green, Mandeville and Roberts.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Saunders, Tweed—16.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—21.

So the bill was again presented for the action of the Senate.

On adopting the amendment reported in accordance with the special instruction of the Senate, the ayes and noes were demanded* by Messrs. Lewis, Green and Belden.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Freeman, Green, Hardy, Heacock, Johnson, Kincaid, Lawrence, Maclay, Mizner, Morrill, Murphy, Pearce, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—28.

NOES—Messrs. Conly, Ewer, Hager, Hunter, Lewis, Mandeville, McDougall, Murch, Pendegast—9.

So the amendment was adopted.

The bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Pearce, Morrill and Bradley.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Curtis, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—19.

NOES—Messrs. Bradley, Conly, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Murch, Murphy, Pearce, Pendegast, Saunders, Tweed—16.

So the bill was passed.

Mr. Chappell moved to reconsider the vote whereby the Senate on yesterday indefinitely postponed Senate Bill No. 373—An Act authorizing the Board of State Harbor Commissioners to lease the privilege

of collecting dockage, wharfage and tolls on a portion of the water front of the City and County of San Francisco.

The ayes and noes were demanded by Messrs. Curtis, Green and Chappell.

The vote was as follows :

AYES—Messrs. Beach, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Rose, Teegarden, Tubbs, Tweed, Wolcott—18.

NOES—Messrs. Belden, Chappell, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Murch, Murphy, Pearce, Roberts, Saunders, Shaw, Wadsworth—16.

So the motion was carried.

Mr. Mandeville moved to strike out "three" and insert "ten" years as the period of duration of the lease contemplated by the bill.

The ayes and noes were demanded by Messrs. Lewis, Green and Hunter.

The vote was as follows :

AYES—Messrs. Bradley, Conly, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Robinson, Saunders, Teegarden, Tweed, Wolcott—19.

NOES—Messrs. Belden, Chappell, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Murch, Pearce, Pendegast, Shaw, Tubbs, Wadsworth—17.

So the amendment was adopted.

Mr. Curtis moved to amend by striking out "one" and inserting "three."

Messrs. Lewis, Chappell and Conly demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conly, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Rose, Teegarden, Tweed, Wolcott—17.

NOES—Messrs. Belden, Bradley, Chappell, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Shaw, Wadsworth—18.

So the motion was lost.

Mr. Lewis offered an amendment in writing.

The President (Mr. Mandeville) ruled it out of order.

Mr. Lewis appealed to the Senate.

The decision of the President was sustained.

Mr. Mizner moved the previous question, which was seconded.

On putting the main question, Messrs. McDougall, Morrill and Lewis demanded the ayes and noes, and the Senate so ordered by the following vote :

AYES—Messrs. Bradley, Chappell, Conly, Curtis, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Mandeville, McDougall, Mizner, Perley, Pratt, Rose, Shaw, Teegarden, Tweed, Wadsworth, Wolcott—21.

NOES—Messrs. Belden, Ewer, Hager, Hunter, Johnson, Lewis, Maclay, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Tubbs—14.

On ordering the bill engrossed, the ayes and noes were demanded by Messrs. Johnson, McDougall and Chappell.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Mandeville, McDougall, Mizner, Morrill, Perley, Pratt, Rose, Teegarden, Tweed, Wolcott—18.

NOES—Messrs. Chappell, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Murch, Murphy, Pearce, Pendegast, Roberts, Saunders, Shaw, Tubbs, Wadsworth—18.

So the Senate refused.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 375—An Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Senate Bill No. 376—An Act to amend an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe the sum of seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Senate Bill No. 365—An Act to appropriate money to pay the expense of resisting the authorities of the State of Nevada by the officers of Plumas County, in the year eighteen hundred and sixty-three.

Senate Bill No. 465—An Act to repeal certain Acts incorporating the Town of Columbia, in the County of Tuolumne, and all Acts amendatory thereof.

WADSWORTH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 555—An Act to provide a proper Hospital for the County of Sacramento.

Also, Senate Bill No. 551—An Act in relation to the sureties on the official bond of Thomas Norwood, late Treasurer of Tuolumne County.

Also, Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad Company.

Also, Senate Bill No. 466—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of

California, and providing for the payment of the same, and other matters relating thereto.

WADSWORTH, Chairman.

SUSPENSION OF THE RULES.

The rules were suspended and Mr. Curtis introduced a resolution which was adopted, providing that when the Senate adjourn this afternoon it adjourn to meet at the usual hour to-morrow, March twenty-first, eighteen hundred and sixty-eight.

REPORTS.

Reports were made by leave, as follows:

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom Senate Bill No. 473—An Act to provide depot grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroads, and other matters relating thereto—was recommitted with special instructions to amend as specified in said instructions, report the same back and recommend its passage as thus amended.

Also, Assembly Bill No. 381—An Act to authorize John N. Appleton, E. C. Winchell, and their associates and assigns, to improve the channel of King's River, in Fresno County, and to construct and maintain booms therein—report the same back without recommendation.

MIZNER, Chairman.

Mr. Conn was granted indefinite leave of absence.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 204—An Act to amend an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six;

Also, Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco;

Also, Senate Bill No. 214—An Act concerning roads and highways in the County of San Mateo;

Also, Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners;

Also, Senate Bill No. 448—An Act to provide for ascertaining the indebtedness of the Counties of Tulare and Los Angeles prior to the organization of Kern, and to provide for the payment of that portion due each from the County of Kern;

And this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Saunders, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back, and respectfully recommend its passage:

Senate Bill No. 170—An Act to establish and maintain an Alms-house in the City and County of San Francisco.

SAUNDERS, for Delegation.

Mr. Saunders, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back and respectfully recommend its passage:

Senate Bill No. 188—An Act entitled an Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish the grades of streets and avenues in certain districts in said city and county.

SAUNDERS, for Delegation.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

Mr. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 502—An Act providing for holding State Fairs—report the same back and recommend its passage.

Also, Assembly Bill No. 250—An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five—report the same back and recommend its passage.

Also, Senate Bill No. 477—An Act amendatory of and supplemental to an Act to protect agriculture and to prevent the trespassing of animals on private property, approved March twenty-sixth, eighteen hundred and sixty-six—report the same back without recommendation.

Also, Assembly Bill No. 351—An Act supplementary to an Act entitled an Act for the encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two—report the same back and recommend it do not pass.

PERLEY, Chairman.

INTRODUCTION OF BILLS.

By leave, bills were introduced, as follows:

By Mr. Saunders—An Act amendatory of and supplemental to an Act entitled an Act to provide for street railroads within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one; and to an Act entitled an Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, passed April seventeenth, eighteen hundred and sixty-one, and to the several Acts supplementary to and amendatory of said Acts.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hager—An Act to authorize the repayment of certain taxes illegally collected for State purposes.

Read first and second times and referred to the Committee on Finance.

By Mr. Perley—An Act to aid in carrying out the provisions of an Act of Congress relating to the Stockton and Copperopolis Railroad Company.

Read first and second times and referred to the Committee on Corporations.

REPORTS.

Mr. Pratt, from a majority of the Committee on Corporations, made a report on Senate Bills Nos. 357 and 298, relative to the rates of fare and freight on railroads; also, reported back Senate Bill No. 546—An Act to fix and establish the rates of fare and freight on railroads, and other matters relating thereto.

The report was ordered printed.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT: A majority of the Committee on Corporations, to whom was referred Senate Bill No. 547, report the same back and recommend its indefinite postponement.

PRATT, Chairman.

Mr. Pratt, Chairman of the Committee on Corporations, presented the following report:

MR. PRESIDENT: Your Committee on Corporations have considered the following bills, and report as follows:

Assembly Bill No. 450—An Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine—recommending its passage.

Assembly Bill No. 641—An Act to amend an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four—recommending its passage.

Senate Bill No. 484—An Act to incorporate the City of Vallejo—recommending its passage.

Senate Bill No. 465—An Act to settle pueblo grants in the Town of Santa Barbara—without recommendation.

PRATT, Chairman.

Mr. Tubbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 247—An Act to create the office of State Geologist, and to define the duties thereof—having had the same under consideration, report it back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 267—An Act relating to the Home of the Ine-

briate of San Francisco, and to prescribe the powers and duties of the Board of Trustees and the officers thereof—report the same back with amendments, and recommend its passage as amended by a majority of the committee.

Also, Senate Bill No. 511—An Act to encourage the early construction of the Southern Pacific Railroad—report the same back with amendments, and a majority of the Committee recommend its passage as amended.

TUBBS, Chairman.

Mr. Roberts, Chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 25, providing for a ratification of the amendment to the Constitution of the United States, report the same back and recommend its adoption.

Also, Senate Bill No. 104—An Act to amend an Act entitled an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject—and recommend that the same be laid upon the table.

Also, Senate Concurrent Resolution No. 15, in regard to the electoral votes of States under the Reconstruction Acts of Congress;

Also, Senate Concurrent Resolution No. 34, respecting the right of secession;

Also, Senate Concurrent Resolution No. 40, relative to the refusal of Congress to admit the members elected from Kentucky, and the action of the United States Senate in relation to ex-Secretary Stanton;

Also, Senate Concurrent Resolution No. 55, relative to the course pursued by Congress in regard to certain officials;

And recommend that the same be indefinitely postponed.

ROBERTS, Chairman.

Mr. Pearce asked and obtained leave until Monday to submit a minority report on the foregoing bills and resolutions reported by the majority with a recommendation that they be indefinitely postponed.

Mr. Tweed asked and was granted leave until Monday to submit a minority report from the Committee on Corporations on the bills proposing a reduction of railroad rates for fares and freights.

Mr. Pendegast verbally reported back and recommended the passage of Assembly Bill No. 614—An Act to legalize the acts of the Board of Supervisors of Lake County, done at a special meeting of said Board, commencing on the eleventh day of March, eighteen hundred and sixty-seven.

Mr. Murphy moved that the Senate adjourn.

The ayes and noes were thereupon demanded by Messrs. Rose, Green and Lawrence.

The vote was as follows:

AYES—Messrs. Hunter, Johnson, Mandeville, McDougall, Morrill, Murphy, Pearce, Saunders, Tweed—9.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Freeman, Green, Heacock, Lawrence, Maclay, Mizner, Murch, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth—22.

So the Senate refused.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
March 20th, 1868. }

Mr. PRESIDENT: The Assembly passed, March 13th, Assembly Bill No. 444—An Act to authorize the Board of Supervisors of San Francisco to modify the grades of certain streets.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 20th, 1868. }

Mr. PRESIDENT: The Assembly this day passed Senate Bill No. 512—An Act for the relief of William O'Shea.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 20th, 1868. }

Mr. PRESIDENT: The Assembly have this day passed Senate Bill No. 549—An Act making additional appropriations for stationery, lights and fuel for the Legislature and State officers.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 20th, 1868. }

Mr. PRESIDENT: The Assembly on yesterday passed Senate Bill No. 322—An Act to authorize John S. Kimball and his assigns to construct two or more chutes at or near the mouth of Salmon Creek, in Mendocino County, and to collect tolls for the use of the same.

Also, Senate Bill No. 210—An Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo.

Also, with amendments, Senate Bill No. 403—An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight.

Also, with amendments, Senate Bill No 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

Also, Senate Bill No. 355—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and

fifty-nine, and to fund a part of the debt of said County of Solano, and other matters relating to said railroad company.

Also, Senate Bill No. 245—An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz.

Also, Assembly Bill No. 627—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Oakland.

Also, Assembly Bill No. 652—An Act concerning the office of Prosecuting Attorney in the Police Court of the City and County of San Francisco.

Also, Assembly Bill No. 651—An Act concerning public roads and highways in the County of Monterey.

Also, Assembly Bill No. 281—An Act to authorize George Hearst, Louis Schloss, S. W. Glazier, W. A. Bolinger and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City of San Francisco.

Also, Assembly Bill No. 568—An Act granting to Andrew N. Bell and Victor Burndry the right to maintain a ferry on Owens Lake, Inyo County.

Also, Assembly Bill No. 666—An Act to authorize an investigation of the management of the Industrial School of the City and County of San Francisco.

Also, Assembly Bill No. 663—An Act to authorize certain conveyances to S. M. Stone.

Also, Assembly Bill No. 529—An Act to prevent hogs from running at large in the County of Contra Costa.

Also, Assembly Bill No. 594—An Act to amend section eight of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No. 631—An Act to authorize Miguel Burke to remove certain remains.

Also, Assembly Concurrent Resolution No. 46, relative to instructing the Senators and requesting the Representatives of the State to procure the passage of a law to prevent the employment of persons who do not speak the English language on board any vessel of the United States propelled by steam.

Substitute for Assembly Bill No. 638—An Act to confirm a certain conveyance of lands situate in the pueblo (now city) of San Diego.

Also, Assembly Bill No. 665—An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 665, above reported, was read first and second times and placed on file.

The Senate concurred in Assembly amendments to Senate Bill No. 225, above reported.

Assembly Bill No. 281, above reported, was read first and second times.

On a motion to refer the bill to the San Francisco delegation, Messrs. Shaw, Morrill and Murphy demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Belden, Curtis, Ewer, Freeman, Heacock, Johnson, Lewis, Maudeville, McDougall, Morrill, Murch, Murphy, Pearce, Pendergast, Perley, Pratt, Rose, Shaw, Tabbs, Wadsworth—20.

NOES—Messrs. Beach, Bradley, Chappell, Green, Lawrence, Maclay Mizner, Roberts—8.

So the motion was carried.

Assembly Bill No. 444, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 666, above reported, was read first and second times. Mr. Shaw moved to suspend the rules and consider the bill now.

Lost.

The bill was then ordered placed on file.

Assembly Bill No. 663, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 652, above reported, was read first and second times and referred to Judiciary Committee.

Assembly Bill No. 594, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 638, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 46, above reported, was read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 651, above reported, was read first and second times and referred to the Monterey delegation.

Assembly Bill No. 631, above reported, was read first and second times and referred to the Committee on Public Morals.

Assembly Bill No. 627, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 568, above reported, was read first and second times and referred to the Lake and Inyo delegation.

Assembly Bill No. 529, above reported, was read first and second times and referred to the Contra Costa delegation.

The Senate concurred in the Assembly amendments to Senate Bill No. 245, above reported.

The Senate concurred in Assembly amendments to Senate Bill No. 403, above reported.

On motion of Mr. Morrill, at five o'clock and twenty minutes P. M. the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, }
 Saturday, March 21st, 1868. }

Senate met pursuant to adjournment.
 President in the chair.
 Roll called.
 Quorum present.
 Prayer by the Chaplain.
 Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By leave, bills were introduced, as follows:

By Mr. Murphy—An Act to fix the compensation of the Sheriff of the County of San Luis Obispo.

Mr. Murphy moved to suspend the rules and consider the bill now.

Lost.

Read first and second times and placed on file.

By Mr. Lewis—An Act to amend section eleven of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and placed on file.

By Mr. Tweed—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Read first and second times.

The rules were suspended, bill considered engrossed, read a third time and passed; rules further suspended, and bill ordered immediately transmitted to the Assembly.

The rules were suspended, and Mr. Shaw had leave to introduce an amendment to the Standing Rules of the Senate, in relation to deciding appeals taken from the decision of the President and points of order without debate.

Laid over one day, under the rules.

By Mr. Heacock—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Read first and second times and referred to the Judiciary Committee.

By Mr. Curtis—An Act for the protection of salmon.

Read first and second times and placed on file.

By Mr. Wadsworth—An Act supplementary to an Act entitled an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine.

Read first and second times and placed on file.

By Mr. Ewer—An Act to provide funds to pay the floating debt of Butte County.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Wadsworth—An Act to amend an Act entitled an Act to pro-

vide for the indigent sick in the counties of this State, approved April eleventh, eighteen hundred and fifty-five.

Read first and second times and referred to Committee on State and County Hospitals.

By Mr. Rose—An Act to legalize assessments and to provide for the collection of delinquent taxes in the several counties of this State.

Read first and second times and ordered placed second on general file for Monday, and ordered printed.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, substitute for Senate Bill No. 377—An Act to provide a terminus for the Southern Pacific Railroad Company and the Western Pacific Railroad Company, in the City of San Francisco.

WADSWORTH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 85—An Act to extend a franchise heretofore granted to J. K. Hackett and Charles D. Judah to use and continue a wharf and to charge and collect wharfage.

Also, Senate Bill No. 210—An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 239—An Act to provide for the grading of the public alleys and the construction of sewers therein in the City of Sacramento.

Also, Senate Bill No. 322—An Act to authorize John S. Kimball and his assigns to construct two or more chutes at or near the mouth of Salmon Creek, and to collect tolls for the use of the same.

Also, Senate Bill No. 347—An Act amendatory of and supplementary to an Act entitled an Act concerning the officers of Calaveras County and the collection of poll taxes, license taxes and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine.

Also, Senate Bill No. 441—An Act to provide for levying a special tax to construct a public school-house in Nevada School District, in the County of Nevada

Also, Senate Bill No. 496—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of the State, certain rights and privileges.

Also, Senate Bill No. 549—An Act making additional appropriations for stationery, lights and fuel for the Legislature and State officers.

And this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT : The Judiciary Committee, to whom was referred Senate Bill No. 513—An Act authorizing John Hayes and Maria Hayes, guardians of William C. Kisting and Caroline A. Kisting, minors, to sell real estate of said minors at public auction or private sale—having had the same under consideration, report it back without recommendation.

BELDEN, Chairman.

Mr. Tubbs, from the San Francisco delegation, made the following report :

MR. PRESIDENT : The San Francisco delegation have had the following bill under consideration, report the same back with an amendment and respectfully recommend its passage as amended : Assembly Bill No. 369—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county.

TUBBS, for Delegation.

On motion of Mr Shaw, the rules were suspended, and Assembly Bill No. 369, above reported, was taken up and amendments of delegation adopted.

The rules were further suspended, and the bill was read a third time and passed.

Mr. Green, from the Contra Costa delegation, made the following report :

MR. PRESIDENT : Your Committee to whom was referred Assembly Bill No. 529—An Act to prevent hogs from running at large in the County of Contra Costa—have had the same under consideration, report the bill back and recommend its passage.

GREEN, for Delegation.

The rules were suspended, and the above reported bill was taken up.

The rules were suspended, bill considered engrossed, read third time and passed.

Mr. Teegarden made the following report :

MR. PRESIDENT ; Your Committee have had under consideration, Senate Bill No. 221, report it back and recommend its passage.

TEEGARDEN.

Mr. Pratt verbally reported on Senate Bill No. 627—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, passed April twenty-fourth, eighteen hundred and sixty-two; and Senate Bill No. 556—An Act to aid in carrying out the provisions of an Act of Congress

relating to the Stockton and Copperopolis Railroad Company—recommending their passage.

Mr. McDougall verbally reported, recommending the passage of Assembly Bill No. 526—An Act concerning hogs found running at large in the County of Monterey; and Assembly Bill No. 651—An Act concerning public roads and highways in the County of Monterey.

On motion of Mr. McDougall, the above reported bills were severally taken up, under a suspension of the rules, read a third time and passed.

On motion of Mr. Mizner, the rules were suspended, and the bill introduced by Mr. Murphy, fixing the salary of the Sheriff of San Luis Obispo County, was taken up.

The rules were again suspended, the bill considered engrossed, read a third time and passed.

Mr. Saunders verbally reported, recommending the passage of Senate Bill No. 557—An Act amendatory of and supplementary to an Act entitled an Act to provide for street railroads within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and to an Act entitled an Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, passed April seventeenth, eighteen hundred and sixty-one, and to the several Acts supplementary to and amendatory of said Acts.

Mr. Robinson, from the Alameda delegation, made the following report:

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 466—An Act to provide for the erection of a jail and County Recorder's office building in Alameda County;

Also, Assembly Bill No. 494—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two;

Have duly considered the same and recommend their passage.

ROBINSON, for Delegation.

Mr. Hager verbally reported recommending the passage of Assembly Bill No. 579—An Act for the relief of William Fitzpatrick.

RESOLUTION.

The rules were suspended for the introduction of the following resolution by Mr. Pratt:

Resolved, That C. C. Jenks be allowed the sum of thirty-one dollars for services as Sergeant-at-Arms of the Committee on Corporations, as follows:

For what purpose.	Amount.
For service of subpoena on one F. A. Bishop.....	\$ 1 00
For mileage in making such service at Shingle Springs, 100 miles going and returning, at twenty cents per mile.....	20 00
Two days service at five dollars per day.....	10 00
Total.....	\$31 00

To be paid out of the Contingent Fund of the Senate, and that the State Controller draw his warrant upon the State Treasurer therefor and that the State Treasurer pay the same.

The rules were again suspended for the consideration of the resolution, which was adopted.

GENERAL FILE.

Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California, and for the publication thereof.

Temporarily continued on file until two o'clock P. M.

Mr. Conly moved to suspend the rules and take up Senate Bill No. 356—An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

Lost.

Assembly Bill No. 478—An Act to regulate salaries and fix the compensation of certain county officers.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments of committee adopted.

Mr. Mizner moved the previous question, which was seconded.

On ordering the main question, the ayes and noes were demanded by Messrs Johnson, Beach and Tweed.

The vote was as follows:

AYES—Messrs. Belden, Conly, Ewer, Hardy, Heacock, Hunter, Mandeville, McDougall, Mizner, Morrill, Perley, Roberts, Shaw, Teegarden, Wolcott—15

NOES—Messrs. Beach, Bradley, Chappell, Freeman, Green, Hager, Johnson, Kincaid, Lawrence, Lewis, Maclay, Murch, Pearce, Pendegast, Pratt, Rose, Saunders, Tweed, Wadsworth—19.

So the Senate refused.

Mr. Lewis moved to strike out the enacting clause of the bill.

Mr. Kincaid moved to place the bill on top of file for Monday next.

Mr. Lawrence offered the following resolution as an amendment:

Resolved, That the Judiciary Committee be requested to report back an Act to reduce the county indebtedness of Mariposa County, and that it be considered on the same day with the bill now under consideration.

The President ruled the amendment out of order, from which ruling Mr. Lawrence appealed to the Senate.

Pending further consideration thereon, the Senate took the usual daily recess.

AFTERNOON SESSION.

The Senate was called to order at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

Pursuant to a previous order of the Senate, Senate Bill No. 130—An Act to provide for the revision and codification of the laws of the State of California, and the publication thereof—was taken up.

Mr. Roberts moved to commit the bill to the Senator from Amador as a select committee, with the following special instructions:

Strike out the word "codify," in line sixth of section one and insert in lieu thereof the word "compile."

Amend section second by inserting the words "and compilation," next after the word "revision," in line third.

Add the following as a new section:

"Section 8. The said work of revision and compilation shall be completed by said Commissioners prior to the first day of July, eighteen hundred and sixty-nine, and the Secretary shall deliver the manuscript copy to the State Printer as soon as practicable thereafter. The State Printer shall furnish and deliver four hundred and eighty copies thereof, in bill form, to the Secretary of State; and the Secretary of State shall be and is hereby required to forward one copy thereof to each member of the Senate holding over, each member elect of the Legislature, to each Justice of the Supreme Court, District Judge, County Judge and District Attorney of this State, prior to the first day of November, eighteen hundred and sixty-nine."

Amend section seventh, by striking out the word "five" in line second and inserting in lieu thereof the word "four."

Amend section second by striking out the word "code" in line fifth and inserting in lieu thereof the word "system"; and

Resolved, That said select committee be instructed to report forthwith, and upon such report being made the Senate shall proceed to act upon said bill immediately.

Mr. Pearce moved to amend by adding to the special instructions: "and to strike out all provisions requiring the revision or compilation of local or special laws."

Lost.

The bill was then referred in accordance with the motion of Mr. Roberts.

Mr. Rose forthwith reported back the bill amended according to the instructions of the Senate, and recommended its passage.

The amendment was adopted.

On the passage of the bill, the ayes and noes were demanded by Messrs. Rose, Pearce and Johnson.

The vote was as follows:

AYES—Messrs. Chappell, Curtis, Freeman, Green, Heacock, Hunter, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Perley, Pratt, Roberts, Rose, Shaw, Wolcott—18.

NOES—Messrs. Beach, Ewer, Hager, Johnson, Lewis, Mizner, Murch, Pearce, Robinson, Saunders, Teegarden, Tubbs, Tweed, Wadsworth—14.

So the bill was passed.

The title was amended to correspond with the intention expressed in the bill.

SALARY BILL RESUMED.

The Senate resumed consideration of Assembly Bill No. 478, interrupted by the recess.

The appeal taken by Mr. Lawrence was withdrawn.

The Senate refused to postpone, according to the motion of Mr. Kincaid.

Mr. Green moved to strike out the name of "Marin County."

Lost.

Mr. Lewis moved to postpone consideration of the bill for a day certain.

Lost.

Mr. Lewis moved the previous question, which was seconded.

On ordering the main question, the ayes and noes were demanded by Messrs. Kincaid, Pearce and Chappell.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conly, Curtis, Ewer, Heacock, Hunter, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Perley, Roberts, Shaw, Teegarden, Wolcott—19.

NOES—Messrs. Freeman, Green, Johnson, Kincaid, Lawrence, Murch, Pearce, Pratt, Rose, Saunders, Tubbs, Tweed, Wadsworth—13.

So the main question was ordered.

On adopting the following amendment, offered by Mr. Pearce: Strike out the word "Sonoma," in line twelve, section two, and insert the same in line thirteen, after the words "Santa Clara"—the ayes and noes were demanded by Messrs. Kincaid, Murch, and Robinson.

The vote was as follows:

AYES—Messrs. Conly, Freeman, Green, Hager, Hunter, Johnson, Mandeville, McDougall, Morrill, Murch, Pearce, Perley, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Wadsworth—19.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Ewer, Heacock, Kincaid, Lawrence, Lewis, Maclay, Mizner, Pratt, Teegarden, Tweed, Wolcott—15.

So the amendment was adopted.

On ordering the third reading of the bill, the ayes and noes were demanded by Messrs. Beach, Green and Kincaid, and it was so ordered, by the following vote:

AYES—Messrs. Belden, Chappell, Conly, Curtis, Ewer, Hager, Heacock, Hunter, Kincaid, Lewis, Maclay, Mandeville, Mizner, Morrill, Perley, Roberts, Rose, Saunders, Teegarden, Tweed, Wadsworth, Wolcott—22.

NOES—Messrs. Beach, Freeman, Green, Johnson, Lawrence, Murch, Pearce, Pratt—8.

On the passage of the bill, the ayes and noes were demanded by Messrs Green, Tweed and Conly.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Ewer, Green, Heacock, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Tweed, Wadsworth, Wolcott—22.

NOES—Messrs. Beach, Freeman, Lawrence, Murch, Pearce, Teegarden—6.

So the bill was passed.

Messrs. Tweed and Conly severally gave notice of a motion to reconsider the vote just taken.

GENERAL FILE.

Assembly Bill No. 307—An Act to regulate fees of office.

Reported amendments adopted.

On the passage of the bill, the ayes and noes were demanded by Messrs. Belden, Beach and Chappell.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Curtis, Ewer, Hager, Hardy, Heacock, Hunter, Kincaid, Lewis, Maclay, Mandeville, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Saunders, Teegarden, Tweed, Wadsworth, Wolcott—24.

NOES—Messrs. Beach, Freeman, Green, Johnson, Lawrence, Pearce—6.

So the bill was passed.

Messrs. Johnson and Tweed severally gave notice of a motion to reconsider the foregoing vote.

Assembly Bill No. 474—An Act to provide for the management and sale of the lands belonging to the State.

Mr. Rose moved to make the consideration of the bill the special order for two o'clock p. m. on Tuesday.

Lost.

The amendments reported by the Committee on Swamp and Overflowed Lands were adopted.

Mr. Green moved to amend section twenty-nine, as follows :

“Provided that the owner or occupant of any such upland shall not be a preferred purchaser for more than one fourth of a mile front on any bay or navigable stream, and any such application by such owner or occupant made within said thirty days shall be only for one fourth of a mile frontage as aforesaid.”

Mr. Pearce renewed the motion to make the bill the special order for Tuesday.

Mr. Beach moved to amend by ordering the bill and the amendment

offered by Mr. Green printed and placed on top of the file for Tuesday next.

The ayes and noes were demanded by Messrs. Beach, Pearce and Johnson.

The vote was as follows :

AYES—Messrs. Beach, Conly, Curtis, Hager, Heacock, Johnson, Kincaid, Lawrence, Mandeville, Murphy, Pearce, Pratt, Robinson, Rose, Saunders, Tubbs, Wolcott—17

NOES—Messrs. Belden, Chappell, Ewer, Freeman, Green, Hunter, Lewis, McDougall, Mizner, Morrill, Murch, Perley, Roberts, Shaw, Teegarden, Tweed, Wadsworth—17.

So the motion was lost.

Mr. Saunders moved to print the bill and amendment, and postpone its consideration until two o'clock p. m. on Monday.

The motion was carried.

The rules were suspended, and Mr. Hager had leave to verbally report back Assembly Bill No. 583—An Act to create and organize the University of California—recommending the passage of the bill as amended by the Committee on the State University.

The bill having been reported, a motion was made to further suspend the rules and consider the bill now.

The ayes and noes were demanded by Messrs. Maclay, Conly and Roberts.

The vote was as follows :

AYES—Messrs. Chappell, Curtis, Ewer, Freeman, Green, Hager, Heacock, Hunter, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth—28.

NOES—Messrs. Conly, Johnson, Maclay, Murch—4.

So the motion was carried.

Reported amendments adopted.

The bill was then considered in Committee of the Whole.

IN SENATE.

Mr. Beach, at four o'clock and twenty-five minutes, moved to adjourn. Messrs. Maclay, Green and Chappell demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Conly, Green, Maclay, Murch, Tweed, Wadsworth—6.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Ewer, Freeman, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Pearce, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wolcott—23.

So the Senate refused.

The bill was then read a third time and passed.

The rules were suspended, and Mr. Curtis had leave to make a lengthy report from the Committee on Public Buildings other than Prisons relative to the investigation in regard to the State Capitol building.

[For report, see Appendix.]

On motion of Mr. Beach, the reading of the report was dispensed with and double the usual number of copies were ordered printed.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 559—An Act to fix the compensation of the Sheriff of the County of San Luis Obispo.

Also, Senate Bill No. 561—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 565—An Act to provide funds to pay the floating debt of Butte County.

WADSWORTH, Chairman.

At four o'clock and thirty-five minutes, Mr. Beach moved to adjourn. Messrs. Beach, Chappell and Wadsworth demanded the ayes and noes. The vote was as follows:

AYES—Messrs. Belden, Conly, Freeman, Hager, Heacock, Hunter, Lewis, McDougall, Morrill, Murch, Pearce, Perley, Saunders, Wadsworth, Wolcott—15.

NOES—Messrs. Beach, Chappell, Ewer, Green, Johnson, Lawrence, Maclay, Mandeville, Mizner, Murphy, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs—16.

So the Senate refused.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,
March 21st, 1868. }

Mr. PRESIDENT: The Assembly, on the twentieth day of March, passed Assembly Bill No. 322—An Act to amend an Act entitled an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco.

Also, Assembly Bill No. 223—An Act to confirm certain orders passed by the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 224—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 21st, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body, that the Assembly, on the twentieth day of March, passed Assembly Bill No. 553—

An Act to provide for the protection of certain lands in the County of Sutter from overflow.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,

March 21st, 1868. }

MR. PRESIDENT: The Assembly yesterday passed Senate Bill No. 531—An Act to re-fund the funded debt of the County of San Bernardino.

Also, Senate Bill No. 536—An Act amendatory of and supplementary to an Act entitled an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company, with amendments.

Also, Senate Bill No. 532—An Act concerning roads and highways in the County of San Bernardino.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,

March 21st, 1868. }

MR. PRESIDENT: The Assembly on yesterday, the twentieth instant, passed Senate Bill No. 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California.

Also, Senate Bill No. 334—An Act creating the office of Insurance Commissioner, and prescribing his duties and powers, and repealing certain acts requiring foreign insurance companies to deposit stocks and security for transacting business in this State.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 223, above reported, was read first and second times.

Mr. Pearce moved its reference to the Judiciary Committee.

Messrs. Rose, Shaw and Pratt demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Heacock, Hunter, Lewis, Mandeville, Murch, Pearce, Saunders—7.

NOES—Messrs. Belden, Chappell, Conly, Freeman, Green, Hager, Johnson, Lawrence, Maclay, McDougall, Mizner, Morrill, Murphy, Perley, Pratt, Roberts, Robinson, Rose, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—24.

So the Senate refused.

On motion of Mr. Shaw, the bill under consideration, with Assembly Bill No. 224 and Senate Bill No. 459, were severally placed on top of file for Monday evening.

Assembly Bill No. 322, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 553, above reported, was read first and second times; rules suspended, read a third time and passed.

Mr. Lawrence had leave to introduce a bill for an Act to supply the District Judge of the Thirteenth Judicial District with certain law reports.

Read first and second times and placed on file.

On motion of Mr. Beach, at four o'clock and fifty minutes the Senate adjourned.

EVENING SESSION.

The Senate was called to order at seven o'clock P. M.

The President pro tem. (Mr. Mizner) in the chair.

Roll called.

Quorum present.

RESOLUTION.

Mr. Heacock had leave to introduce the following resolution:

Resolved. That in the consideration of the special file, bills be considered in their order as placed thereon, unless objection to the merits of such bill be made, in which case such bill shall be passed upon the file until the file has once been gone through with, and the bills disposed of to which no objection is made. The file having once been gone through with in the manner above specified, the remaining bills thereon shall then be considered in their proper order. This resolution shall apply to this night only.

Adopted.

SPECIAL FILE.

The Senate took up the Senate special file.

Assembly Bill No. 142—An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pitchoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 148—An Act to grant to certain persons the right of way for a railroad track within the City and County of San Francisco, and to run horse cars thereon.

Amendments concurred in, read a third time and passed.

Assembly Bill No. 457—An Act for the relief of J. Scott Ashman, Sheriff of Fresno County.

Read a third time and passed.

Assembly Bill No. 515—An Act to repeal an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three.

Read a third time and passed.

Mr. Chappell was excused from serving on a special committee to consider Assembly Bill No. 84.

On motion of Mr. Johnson, the rules were suspended, and Senate Bill No. 466—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto—was taken up and read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Johnson, Chappell and Heacock.

The vote was as follows:

AYES—Messrs. Beach, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Morrill, Pearce, Pendegast, Roberts, Robinson, Saunders, Teegarden, Tubbs—15.

NOES—Messrs. Chappell, Green, Heacock, Mizner, Murch, Perley, Pratt, Rose, Wadsworth—9.

So the bill was passed.

Mr. Heacock gave notice of a motion to reconsider the above vote.

Senate Bill No. 494 was temporarily passed on file.

Assembly Bill No. 253 was temporarily passed on file.

Assembly Bill No. 455 was temporarily passed on file.

Assembly Bill No. 366 was temporarily passed on file.

Assembly Bill No. 46 was temporarily passed on file.

Assembly Bill No. 535—An Act to provide for the payment of certain bonds of the County of San Joaquin.

Read a third time and passed.

Senate Bill No. 404—An Act for the relief of R. M. Folger.

Substitute adopted, and temporarily passed on file.

Assembly Bill No. 549—An Act to fix the terms of the County Court of the County of Monterey.

Referred to the Monterey delegation.

Senate Bill No. 451—An Act relating to Petaluma School District, in Sonoma County.

Substitute adopted, read a third time and passed.

Senate Bill No. 446—An Act to provide for the collection of delinquent school taxes and legalizing assessments and school elections held in school districts in the County of Marin.

Read a third time and passed.

Assembly Bill No. 228—An Act to provide for the protection of the Harbor of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 411—An Act to authorize the construction and maintenance of a wharf in the County of Monterey.

Read a third time and passed.

Assembly Joint Resolution No. 12—In relation to requesting our Senators and Representatives in Congress to use their influence to procure the appointing of a Mail Agent on the line of the California Pacific Railroad.

Adopted.

Senate Concurrent Resolution No. 63, relative to establishing a mail route from Stockton to Millerton, and Post Offices on said route.

Adopted.

On motion of Mr. Roberts, the vote whereby the Senate adopted Assembly Joint Resolution No. 12, above reported, was reconsidered.

The resolution was then amended, and as amended adopted.

Senate Bill No. 483—An Act to amend an Act entitled an Act in relation to roads and Roadmasters in Solano County, approved March twenty-fourth, eighteen hundred and sixty-eight.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 435—An Act to authorize William Bihler to construct a wharf on Petaluma Creek.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 442 was passed on file.

Senate Bill No. 452 was passed on file.

Assembly Joint Resolution No. 3, relative to appropriating fifty thousand dollars by Congress for turning the River of San Diego into False Bay, and otherwise to improve the Harbor of San Diego.

Adopted.

Assembly Bill No. 370—An Act to establish a Court in the City and County of San Francisco, to be called the San Francisco Criminal Court.

Indefinitely postponed.

Senate Bill No. 84 was passed on file.

Senate Bill No. 131—An Act to fix the compensation of the District Attorney of the County of Santa Cruz, and to repeal all former Acts in relation thereto.

Amended, on motion of Mr. McDougall, by striking out "twelve hundred," and inserting "eight hundred," in section first.

The bill was then passed on file.

Senate Bill No. 42 was passed on file.

Assembly Bill No. 336—An Act to provide for the relief of the indigent sick of San Mateo County.

Considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, read a third time and passed.

Senate Bill No. 501 was passed on file.

Senate Bill No. 353 was passed on file.

Senate Bill No. 389 was passed on file.

Senate Bill No. 388 was passed on file.

Senate Bill No. 354 was passed on file.

Senate Bill No. 383 was passed on file.

Senate Bill No. 401 was passed on file.

Senate Bill No. 505 was passed on file.

Senate Bill No. 431 was passed on file.

Assembly Bill No. 316 was passed on file.

Assembly Bill No. 391 was passed on file.

Assembly Bill No. 229 was passed on file.

Assembly Bill No. 375 was passed on file.

Senate Bill No. 487—An Act to authorize the Italian Mutual Benevolent Association to change its name.

Read a third time and passed.

Senate Bill No. 488—An Act to authorize the Board of Supervisors of the County of Sacramento to audit and settle a certain claim.

Read a third time and passed.

Senate Bill No. 490—An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama, and for the collection of taxes therein.

Read a third time and passed.

Senate Bill No. 491—An Act conferring certain powers upon the Board of Supervisors of the County of Santa Clara.

Read a third time and passed.

Senate Bill No. 492—An Act in relation to the duties of the Assessor and Collector of Tuolumne.

Read a third time and passed.

Assembly Bill No. 365—An Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 474—An Act to authorize J. B. Ford and his associates to construct and maintain a wharf in Mendocino County.

Read a third time and passed.

Senate Bill No. 394—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three.

Read a third time and passed.

Senate Bill No. 425—An Act authorizing J. L. Jones, William Hollis, William C. Parsons, William H. Smith and others to build a wharf adjoining their lands in the Central Park Homestead Association, said lands lying in a southeasterly direction from Islais Creek, in the City and County of San Francisco, State of California.

Read a third time and passed.

Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries.

Read a third time and passed.

Senate Bill No. 454—An Act to repeal certain Acts concerning hogs found running at large in Amador County.

Read a third time and passed.

Senate Bill No. 461—An Act to extend the time in which to complete a wagon road.

Read a third time and passed.

Senate Bill No. 514—An Act to amend an Act entitled an Act fixing the compensation of members of the Board of Supervisors of Stanislaus County, approved April tenth, eighteen hundred and fifty-eight.

Read a third time and passed.

Assembly Bill No. 197—An Act to authorize the County Recorder of the City and County of San Francisco to appoint an additional deputy.

Read a third time and passed.

Assembly Bill No. 523 (substitute)—An Act to fix the compensation of grand and trial jurors in the County of Tulare.

Read a third time and passed.

Substitute for Assembly Bill No. 234—An Act in relation to the funded indebtedness of Calaveras County, and to provide for the funding of unpaid claims against said county.

Read a third time and passed.

Assembly Bill No. 499—An Act to fix the time for holding County Court and Probate Court in the County of Yolo.

Read a third time and passed.

Assembly Bill No. 534—An Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto.

Read a third time and passed.

Assembly Bill No. 452—An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco, and issuing process on the same.

Read a third time and passed.

Substitute for Assembly Bill No. 416—An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty, and amended February twenty-ninth, eighteen hundred and sixty-four.

Read a third time and passed.

Assembly Bill No. 255—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same.

Reported amendment adopted, read a third time and passed.

Assembly Bill No. 294—An Act amendatory of an Act approved March first, eighteen hundred and sixty-four, entitled an Act to amend an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine.

Substitute adopted, read a third time and passed.

Senate Bill No. 76—An Act for the relief of William R. Crawford.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 508 was continued on file.

Senate Bill No. 447 was continued on file.

Substitute for Assembly Bill No. 273 was continued on file.

Senate Bill No. 516—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Amended, and passed on file.

Senate Bill No. 510—An Act to authorize J. B. Ward and his associates to construct and maintain a wharf in Santa Barbara County.

Read a third time and passed.

Assembly Bill No. 520—An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three.

Read a third time and passed.

Assembly Bill No. 521—An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county, and to erect a County Jail.

Read a third time and passed.

Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 295--An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant).

Read third time and passed.

Assembly Bill No. 107--An Act to incorporate the City of Monterey.

Read a third time and passed.

Assembly Bill No. 471--An Act to change the name of the Howard Street Religious Society, San Francisco.

Read a third time and passed.

Assembly Bill No. 525--An Act concerning hogs found running at large in the Counties of Mono and Inyo.

Read a third time and passed.

Assembly Bill No. 508--An Act to create a Redemption Fund for the County of Calaveras.

Read a third time and passed.

Assembly Bill No. 286--An Act to create a Jury Fund, and fix the compensation of grand and trial jurors in Calaveras County.

Read third time and passed.

Senate Bill No. 519--An Act to authorize Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 526--An Act to authorize the Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company in said townships, in the year A. D. eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 534--An Act granting the privilege to James B. Peck and his assigns to build and erect a wharf at Sausalito, Marin County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 521 was passed on file.

Assembly Bill No. 293 was passed on file.

Senate Bill No. 520 was passed on file.

Senate Bill No. 501 was passed on file.

Senate Bill No. 498 was passed on file.

Senate Bill No. 457 was passed on file.

Senate Bill No. 497 was passed on file.

Senate Bill No. 543 was passed on file.

Senate Bill No. 544 was passed on file.

Assembly Bill No. 443 was passed on file.

Senate Bill No. 542 was passed on file.

Senate Bill No. 522 was passed on file.

Senate Bill No. 459 was passed on file.

Assembly Bill No. 418--An Act to lower the grade of Sansome street, from Broadway to Lombard street, in the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 433--An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Read a third time and passed.

Assembly Bill No. 372—An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read a third time and passed.

Assembly Bill No. 562—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, read a third time and passed.

Assembly Bill No. 343—An Act granting a wharf franchise in the City of Sacramento.

Indefinitely postponed.

Assembly Concurrent Resolution No. 53, relative to allowing pay for raising flag on State Capitol.

Adopted.

Resolution relative to pay of Sergeant-at-Arms of the Senate.

Adopted.

Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 533—An Act to confer certain powers upon the Sacramento Gas Company and others.

Amended, read a third time and passed.

Assembly Bill No. 346—An Act supplementary to an Act to establish a Board of Health for the City and County of San Francisco, and to define the powers and duties thereof.

Read a third time and passed.

Assembly Bill No. 333—An Act to provide for the construction and use of Mission Street Canal, in the City and County of San Francisco

Read a third time and passed

Assembly Bill No. 614—An Act to legalize the acts of the Board of Supervisors of Lake County, done at a special meeting of said Board, commencing on the eleventh day of March, eighteen hundred and sixty-seven.

Read a third time and passed.

Assembly Bill No. 494—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

Read a third time and passed.

Assembly Bill No. 466—An Act to provide for the erection of a jail and County Recorder's office building in Alameda County.

Read a third time and passed.

Senate Bill No. 444 was passed on file.

Senate Bill No. 482 was passed on file.

Senate Bill No. 475 was passed on file.

Senate Bill No. 484 was passed on file.

Senate Bill No. 464 was passed on file.

Senate Bill No. 557 was passed on file.

Senate Bill No. 563 was passed on file.

Senate Bill No. 556 was passed on file.

Senate Bill No. 560 was passed on file.

Senate Bill No. 513 was passed on file.

Assembly Bill No. 346 was passed on file.

Assembly Bill No. 381 was passed on file.

Assembly Bill No. 665 was passed on file.

Assembly Bill No. 666 was passed on file.

Assembly Bill No. 579 was passed on file.

Assembly Bill No. 92 was passed on file.

Assembly Bill No. 333 was taken from the file and referred to the San Francisco delegation.

Assembly Bill No. 627 was taken from the file and referred to the Alameda delegation.

Senate Bill No. 480—An Act granting to Bradley V. Sargent and others the right to erect gas works and lay gas pipes in the City of Monterey.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 145—An Act defining the boundary line between the Counties of Santa Barbara and San Luis Obispo.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 553—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Yerba Buena Park.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad.

On the passage of the bill, the ayes and noes were demanded by Messrs. Green, Mandeville and Pearce.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Ewer, Freeman, Green, Heacock, Kincaid, Lawrence, Lewis, Maclay, McDougall, Mizner, Morrill, Murch, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wolcott—25.

NOES—Messrs. Hunter, Johnson, Mandeville, Pearce, Tweed, Wadsworth—6.

So the bill was passed.

Mr. Murch gave notice that he would move to reconsider the above vote on Monday next.

Mr. Belden gave notice of a motion to reconsider the vote whereby Senate Bill No. 491 was passed.

Mr. Roberts offered a resolution to authorize the Chairman of the Committee on Engrossment to select from Senate bills considered engrossed and passed, such as were fairly written and not amended, and order them transmitted to the Assembly.

Laid over one day, under the rules.

On motion of Mr. Green, at ten o'clock and forty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE

SENATE CHAMBER.

Monday, March 23d, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of Saturday was read and so amended as to read that Assembly Bill No. 346—Supplementary to an Act to establish a Board of Health for the City and County of San Francisco, and to define the powers and duties thereof—was passed on file; and that Assembly Bill No. 333—An Act to provide for the construction and use of the Mission Street Canal in the City and County of San Francisco—was referred to the San Francisco delegation; and as amended approved.

Mr. Johnson, pursuant to notice, moved to reconsider the vote whereby the Senate on Saturday passed Senate Bill No. 466—An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and provide for the payment of the same, and other matters relating thereto.

Mr. Beach moved to indefinitely postpone the motion to reconsider.

Messrs. Curtis, Heacock and Hunter demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Ewer, Freeman, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Perley, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth—24

NOES—Messrs. Chappell, Conly, Curtis, Green, Heacock, Lawrence, Mizner, Murch, Pratt, Rose, Wolcott—11.

So the motion prevailed.

Mr. Conly, pursuant to notice, moved to reconsider the vote whereby the Senate on Saturday passed Assembly Bill No. 478—An Act to regulate salaries and compensation of certain county officers.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider.

The time fixed, twelve o'clock M., for the consideration of the general file (the special order) being announced, the order was, on motion of Mr. Mizner, postponed until the regular order of business shall have been gone through with.

The question being on the motion of Mr. Mandeville, to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. Kincaid, Beach and Green.

The vote was as follows:

AYES—Messrs. Belden, Chappell, Conly, Curtis, Ewer, Heacock, Hunter, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Perley, Roberts, Rose, Wolcott—17.

NOES—Messrs. Beach, Bradley, Freeman, Green, Hager, Johnson, Kin-

caid, Lawrence, Lewis, Murch, Pearce, Pendegast, Pratt, Teegarden, Tubbs, Tweed, Wadsworth—17.

There being a tie, the President, in the exercise of his constitutional privilege, voted aye, and the motion prevailed.

Mr. Rose, pursuant to notice, moved to reconsider the vote whereby the Senate passed Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad Company.

Mr. Lewis moved to indefinitely postpone the motion to reconsider.

Messrs. Hunter, Murphy and Murch demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Beach, Belden, Chappell, Curtis, Ewer, Freeman, Green, Hager, Heacock, Kincaid, Lawrence, Lewis, MacLay, McDougall, Mizner, Morrill, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Teegarden, Tubbs, Wolcott—25.

NOES—Messrs. Bradley, Conly, Hunter, Johnson, Mandeville, Murch, Murphy, Pearce, Tweed—9.

So the motion prevailed.

PETITIONS.

Petitions were presented, as follows :

By Mr. Heacock—Of citizens of Sacramento County, remonstrating against the passage of an Act reducing the rates of fare and freight on the Central Pacific Railroad.

Referred to the Committee on Corporations.

By Mr. Freeman—Of citizens of Kern and Tulare Counties, protesting against the passage of the Fence Law.

Referred to the Committee on Agriculture.

INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows :

By Mr. Green—An Act prescribing the duties of the Lieutenant-Governor as Resident Director of the State Prison.

Read first and second times and referred to the Committee on State Prison.

By Mr. Rose—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and fifty-one.

Read first and second times.

Mr. Rose moved to place the bill tenth on file for to-morrow.

Lost.

A motion of Mr. Rose, to place the bill thirteenth on file for Tuesday, was also lost.

The bill was then placed on file and ordered printed.

By Mr. Rose—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their powers and duties, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and ordered on special file for this evening.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 487—An Act to authorize the Italian Mutual Benevolent Association to change its name.

Senate Bill No. 488—An Act to authorize the Board of Supervisors of the County of Sacramento to audit and settle a certain claim.

Senate Bill No. 490—An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama, and for the collection of taxes therein.

Senate Bill No. 446—An Act to provide for the collection of delinquent school taxes and legalizing assessments and school elections held in school districts in the County of Marin.

Senate Concurrent Resolution No. 63, relative to establishing a mail route from Stockton to Millerton, and Post Offices on said route.

Senate Bill No. 483—An Act to amend an Act entitled an Act in relation to roads and Roadmasters in Solano County, approved March twenty-fourth, eighteen hundred and sixty-eight.

Senate Bill No. 394—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three.

Senate Bill No. 474—An Act to authorize J. B. Ford and his associates to construct and maintain a wharf in Mendocino County.

Senate Bill No. 492—An Act in relation to the duties of the Assessor and Collector of Tuolumne.

Senate Bill No. 534—An Act granting the privilege to James B. Peek and his assigns to build and erect a wharf at Sancelito, Marin County.

Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven.

Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries.

Senate Bill No. 454—An Act to repeal certain Acts concerning bogs found running at large in Amador County.

Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Senate Bill No. 510—An Act to authorize J. B. Ward and his associates to construct and maintain a wharf in Santa Barbara County.

Senate Bill No. 516—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

Senate Bill No. 553—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Yerba Buena Park.

Senate Bill No. 461—An Act to extend the time in which to complete a wagon road.

Senate Bill No. 476—An Act for the relief of William R. Crawford.

Senate Bill No. 514—An Act to amend an Act entitled an Act fixing the compensation of members of the Board of Supervisors of Stanislaus County, approved April tenth, eighteen hundred and fifty-eight.

Senate Bill No. 519—An Act to authorize Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof.

Senate Bill No. 526—An Act to authorize the Township Assessors of the Townships of White Oak and Mud Spring, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company in said townships in the year eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year.

Senate Bill No. 145—An Act defining the boundary line between the Counties of Santa Barbara and San Luis Obispo.

Senate Bill No. 130—An Act to provide for the revision and compilation of the laws of the State of California, and the publication thereof.

Senate Bill No. 480—An Act granting to Bradley V. Sargent and others the right to erect gas works and lay down gas pipes in the City of Monterey.

WADSWORTH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo;

Also, Senate Bill No. 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California;

Also, Senate Bill No. 334—An Act creating the office of Insurance Commissioner, and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks and security for transacting business in this State;

Also, Senate Bill No. 355—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund a part of the debt of said County of Solano, and other matters relating to said railroad company;

Also, Senate Bill No. 245—An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz;

Also, Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo;

Also, Senate Bill No. 512—An Act for the relief of William O'Shea;

Also, Senate Bill No. 403—An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight;

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

INTRODUCTION OF BILLS.

By Mr. Saunders—An Act in relation to the Justices' Courts in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to confer additional power upon the Superintendent of Streets and Highways in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

REPORTS.

Mr. Mizner verbally reported back Assembly Bill No. 591—An Act declaring certain streams in the County of Alameda navigable.

Mr. Ewer, Chairman of the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 503—An Act for the relief of S. D. Smith—having had the same under consideration, report it back and recommend its passage.

Also, Assembly Bill No. 477—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier—report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 390—An Act to provide for the payment of services rendered by Registers and Receivers of United States Land Offices—report it back and recommend its passage.

Also, Senate Bill No. 460—An Act supplemental to an Act entitled an Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State certain fees, approved March fifth, eighteen hundred and sixty-eight—and recommend its passage.

EWER, Chairman.

Mr. Tweed, Chairman of the Committee on Public Morals, made the following report :

MR. PRESIDENT: The Committee on Public Morals, to which was referred Senate Bill No. 631—An Act to authorize Miguel Burke to remove certain human remains—have had the same under consideration, report it back with a substitute, and recommend the passage of the substitute.

TWEED, Chairman.

Mr. Tweed, from the Committee on Corporations, made the following report :

MR. PRESIDENT: The undersigned, a minority of the Committee on Corporations, to whom was referred Senate Bill No. 357—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof and other matters

relating thereto—dissenting from the majority of said committee, by leave of the Senate, reports said bill back and recommends its passage.

TWEED,
Minority of Committee.

Mr. Tweed, from the Committee on Corporations, made the following report:

Mr. PRESIDENT: The undersigned, a minority of the Committee on Corporations, to whom was referred Senate Bill No. 298—An Act to declare and regulate the rates of fare and freight on the Central Pacific Railroad of California—having considered the same and, dissenting from the majority of the committee in their report, by leave of the Senate, reports a substitute for said bill and recommends the passage of the substitute.

TWEED,
Minority of Committee.

The rules were suspended, and Mr. Chappell had leave to introduce a bill for an Act to provide a Sheriff for the County of Trinity, to fill a vacancy caused by the death of James Cochran.

Read first and second times.

The rules were suspended, bill considered engrossed, read a third time and passed; rules further suspended, and bill ordered transmitted to the Assembly, and title amended.

Mr. Green, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 573—An Act to enable Jonas Sprat to float certain claims to swamp and overflowed lands in Sutter County—have had the same under consideration, report the bill back and recommend its passage.

GREEN, for Committee.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 432—An Act to authorize and empower the incorporated towns in this State to hold and convey certain lands—having had the same under consideration, report it back and recommend its passage.

Also, Assembly Bill No. 493—An Act concerning defences in certain proceedings based on judgments recovered for delinquent taxes—report the same back and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 594—An Act to amend section eight of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—report the same back and recommend its passage.

Also, Assembly Bill No. 551—An Act to amend an Act entitled an Act to authorize District Judges in certain cases to sign records and settle statements, approved April twelfth, eighteen hundred and fifty-nine—report the same back and recommend its passage.

Also, substitute for Assembly Bill No. 221—An Act concerning con-

veyances by Indian pueblos for public purposes—report the same back with an amendment and recommend its passage as amended.

Also, substitute for Assembly Bill No. 486—An Act to legalize the assessment of taxes in the County of Lake and State of California, for the fiscal year commencing on the first of March, eighteen hundred and sixty-seven—report the same back and recommend its passage.

Also, Assembly Bill No. 491—An Act to provide for the appointment of Trustees in certain cases—report the same back and recommend its passage.

Also, substitute for Assembly Bill No. 39—An Act amendatory of and supplementary to an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one—report the same back and recommend its passage.

Also, Assembly Bill No. 681—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco heretofore sought to be conveyed under the provisions of the Act passed May third, eighteen hundred and fifty-four, entitled an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States for certain purposes—report the same back and recommend its passage.

Also, Senate Bill No. 370—An Act for the relief of Mary Likens and others—report it back and recommend its passage.

Also, Assembly Bill No. 492—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three—report the same back and recommend its passage.

Also, Assembly Bill No. 347—An Act to repeal section thirteen of an Act entitled an Act to provide for binding minors as apprentices, clerks and servants, approved April tenth, eighteen hundred and fifty-eight—report the same back and recommend its passage.

Also, Assembly Bill No. 532—An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five—report the same back and recommend its passage.

Also, Senate Bill No. 535—An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell real estate at private sale—report the same back and recommend its passage.

Also, Assembly Bill No. 133—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—report the same back and recommend its passage.

Also, Senate Bill No. 182—An Act to amend the Act of April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State—report the same back with a substitute, and recommend the adoption of the substitute.

Also, Assembly Bill No. 233—An Act to amend sections four hundred and thirty-eight, four hundred and thirty-nine, four hundred and forty and four hundred and forty-two of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—report the same back and recommend its passage.

Also, Senate Bill No. 148—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State,

passed April twenty-ninth, eighteen hundred and fifty-one—report the same back with a substitute, and recommend the adoption of the substitute.

BELDEN, Chairman.

Mr. Perley, Chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 509—An Act to prevent horses, mares, colts and mules from trespassing upon private lands in the County of San Luis Obispo—have considered the same and report it back without recommendation.

PERLEY, Chairman.

Mr. Tubbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 470—An Act to provide for the care and maintenance of the indigent insane persons in the State of California—having had the same under consideration, report a substitute and recommend the passage of the substitute.

Also, Senate Bill No. 558—An Act to authorize the repayment of certain taxes illegally collected for State purposes—report the same back without recommendation.

Also, Senate Bill No. 302—An Act for the encouragement of agricultural and mechanical societies—report the same back and recommend that it do not pass.

TUBBS, Chairman.

On motion of Mr. Teegarden, the rules were suspended, and Senate Bill No. 470, above reported, was taken up

Substitute adopted, and considered in Committee of the Whole.

Pending further consideration thereon, the Senate took the usual daily recess.

AFTERNOON SESSION.

The Senate was called to order at two o'clock P. M.

Pre-ident in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of Senate Bill No. 470 in Committee of the Whole, interrupted by the recess.

IN SENATE.

Rules suspended, bill considered engrossed, read a third time and passed.

REPORTS.

Mr. Pratt, Chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT: Your Committee on Corporations have considered Senate Bill No. 489—An Act granting to the San Francisco and Humboldt Bay Railroad Company the right to build and construct a railroad track and side tracks in the County of Marin—and report the same back with a substitute therefor, but make no recommendation as to the passage of said bill or substitute.

Also, substitute for Assembly Bill No. 421—An Act for the more effectual prevention of cruelty to animals—have made four amendments thereto, and recommend the passage of the bill as amended.

PRATT, Chairman.

Mr. Green moved to place Senate Bill No. 489, above reported, on top of file for to-morrow.

Lost.

Mr. Hager, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bills under consideration, report the same back, and respectfully recommend their passage:

Assembly Bill No. 57.

Assembly substitute for Assembly Bill No. 226, with amendments.

HAGER, for Delegation.

Mr. McDougall, from the Monterey delegation, made the following report:

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 549—An Act to fix the terms of the County Court and Probate Court of the County of Monterey—have had the same under consideration, report the bill back with an amendment and recommend its passage as amended.

McDOUGALL, for Delegation.

On motion of Mr. McDougall, the rules were suspended, and Assembly Bill No. 549, above reported, was taken up

Reported amendments adopted, and bill read a third time and passed.

The rules were suspended, and Mr. Curtis had leave to introduce a resolution, requesting the Committee on Commerce and Navigation to report back to the Senate, Assembly Bill No. 237 on or before to-morrow.

Mr. Tubbs moved to lay the resolution on the table.

Messrs. Shaw, Mandeville and McDougall demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Heacock, Lawrence, Lewis, Maclay, Perley, Pratt, Roberts, Robinson, Rose, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—21.

NOES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Mandeville, McDougall, Morrill, Pearce, Pendegast, Shaw—11.

So the motion was carried.

Mr. Mandeville verbally reported back recommending the passage of Assembly Bill No. 568—An Act granting to Andrew N. Bell and Victor Burndry the right to maintain a ferry on Owens Lake, Inyo County.

Mr. Wadsworth made the following report :

MR. PRESIDENT: The delegations from Siskiyou, Klamath, Del Norte and Humboldt, to whom was referred Assembly Bill No. 84—An Act to authorize and empower E. H. Schwatka, of Siskiyou County, to take from the State Prison at San Quentin a number of State Prison convicts, not exceeding one hundred, for the purpose of constructing roads along and over the mountains of Siskiyou, Klamath, Del Norte and Humboldt Counties, and to provide for their care and support—have had the same under consideration and report the same back with the recommendation that it do not pass.

WADSWORTH, for Delegations.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 435—An Act to authorize William Bibler to construct a wharf on Petaluma Creek.

WADSWORTH, Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 21st, 1868. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 137—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Also, Senate Bill No. 342—An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges.

Also, Senate Bill No. 448—An Act to provide for ascertaining the indebtedness of the Counties of Tulare and Los Angeles prior to the organization of Kern, and to provide for the payment of that portion due each from the County of Kern.

Also, substitute for Senate Bill No. 204—An Act supplementary to an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 429—An Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, and amended April thirteenth, eighteen hundred and fifty-five.

Also, Senate Bill No. 252—An Act conferring further powers upon the Board of State Harbor Commissioners.

Also, Senate Bill No. 205—An Act in relation to the office of Sheriff in the City and County of San Francisco.

Also, substitute for Senate Bill No. 121—An Act to provide for the sale of escheated estates.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 23d, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 549—An Act making additional appropriations for stationery, fuel and lights for the Legislature and State officers.

Also, Senate Bill No. 239—An Act to provide for the grading of the public alleys, and the construction of sewers therein, in the City of Sacramento.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }
March 23d, 1868. }

Mr. PRESIDENT: The Assembly, on the nineteenth instant, passed Assembly Bill No. 487—An Act granting Francis M. Stone and others certain rights and immunities for fishing purposes in Tulare Lake.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 21st, 1868. }

Mr. PRESIDENT: The Assembly this day passed Senate Bill No. 472—An Act for the relief of David L. Brittin.

Also, on the nineteenth instant, passed substitute for Assembly Bill No. 263—An Act supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, A. D. eighteen hundred and sixty-six.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 23d, 1868. }

Mr. PRESIDENT: The Assembly have passed Assembly Bill No. 606—An Act to authorize certain persons to construct weirs and traps in the Straits of Carquines.

Also, Assembly Bill No. 608—An Act to repeal an Act entitled an Act concerning the office of District Attorney of the County of Placer, approved March twenty-second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 610—An Act to fix the salary of the District Attorney of Placer County.

Also, Assembly Bill No. 609—An Act to fix salaries of the Assessors of Placer County.

Also, Assembly Bill No. 500—An Act to authorize Yolo County to give its bonds to the California Pacific Railroad Company.

Also, Assembly Bill No. 691—An Act to provide for the transfer of certain funds in the County of Placer.

Also, Assembly Bill No. 551—An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the State of California between the City of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 648—An Act to authorize James Kenny and his assigns to construct and maintain a chute and landing at Cuffy's Cove, Mendocino County, and to charge and collect toll for the use of the same.

Also, Senate Bill No. 551—An Act in relation to the sureties on the official bond of Thomas Norwood, late Treasurer of Tuolumne County.

Also, with amendments, Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

Also, with amendments, Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Winnie H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

Also, with amendments, Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco.

Also, Senate Bill No. 409—An Act relative to the County Treasurer of Lake County.

Also, Senate Bill No. 136—An Act to authorize Montgomery Godley, administrator, with the will annexed, of the estate of Charles G. McClesney, deceased, to sell certain lands belonging to the estate of said deceased.

Also, with amendments Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Also, with amendments, Senate Bill No. 293—An Act to amend an Act entitled an Act amendatory of Article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and sixty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two.

Also, Senate Bill No. 545—An Act to authorize Frederick W. Kuelp, Hugo Schenk, John Foster, William Workman, Theodore Riser, A. Langenberger, their associates and assigns, to construct and maintain a wharf in Los Angeles County.

Also, Senate Bill No. 541—An Act supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 367—An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County, approved January eleventh, eighteen hundred and sixty-six.

Also, Senate Bill No. 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-six.

Also, substitute for Senate Bill No. 89—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, to sell certain property at private sale.

Also, Senate Bill No. 453—An Act for the relief of the Common School Fund of Butte County.

Also, Assembly Bill No. 501—An Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes.

Also, Senate Bill No. 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

Also, Senate Bill No. 340—An Act supplementary to and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.

Also, Senate Bill No. 358—An Act to provide for the re-funding of the funded debt of Siskiyou County.

Also, Assembly Bill No. 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 23d, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly passed the following bills:

Assembly Bill No. 613—An Act to amend section five of an Act entitled an Act to separate the offices of County Auditor, County Recorder, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization from the office of County Clerk in Placer County.

Assembly Bill No. 357—An Act amendatory of sections one and eight of an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto; approved ——— twenty-first, eighteen hundred and sixty-three

Assembly Bill No. 719—An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six.

Assembly Bill No. 621—An Act to authorize the construction and maintenance of a wharf at the Town of New San Diego by William H. Davis & Co.

Assembly Bill No. 650—An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, eighteen hundred and sixty-eight.

Senate Bill No. 243—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Assembly Bill No. 693—An Act making appropriations for the sup-

port of the civil government of the State of California for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy.

Assembly Bill No. 572—An Act concerning roads in the County of Marin.

Assembly Bill No. 633—An Act in relation to the County Superintendent of Public Schools in the County of Sierra.

Assembly Bill No. 589—An Act to incorporate the Town of Watsonville, Santa Cruz County.

Substitute for Assembly Bills Nos. 21 and 189—An Act defining the legal distances from the county seats of Calaveras, Inyo, Kern, Mendocino and Mono Counties.

Senate Bill No. 561—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Assembly Bill No. 509—An Act relating to assessments for street improvements in the City and County of San Francisco.

Senate Bill No. 450—An Act to authorize the Trustees of the City of Petaluma, and their successors in office, to execute a certain trust.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 23d, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 560—An Act to provide a Sheriff for the County of Trinity to fill the vacancy occasioned by the death of James Cochrane.

Also, adopted Assembly Joint Resolution No. 56, relative to additional appropriation to prosecute public land surveys in this State.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 263, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 648, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 501, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 601, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 610, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 613, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 719, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 572, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 589, above reported, was read first and second times and ordered on special file.

Substitute for Assembly Bills Nos. 21 and 199, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 609, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 608, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 561, above reported, was read first and second times and ordered on general file.

Assembly Bill No. 606, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 621, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 598, above reported, was read first and second times and referred to the Contra Costa delegation.

Assembly Bill No. 487, above reported, was read first and second times and referred to the Tulare delegation.

Assembly Bill No. 500, above reported, was read first and second times. The rules being suspended, the bill was taken up, read third time and passed.

Assembly Bill No. 357, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 509, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 650, above reported, was read first and second times; rules suspended, bill read a third time and passed.

Assembly Bill No. 693, above reported, was read first and second times and referred to the Finance Committee.

Assembly Bill No. 633, above reported, was read first and second times and referred to the Sierra delegation.

Assembly Concurrent Resolution No. 55, above reported, was concurred in.

The Senate concurred in Assembly amendments to Senate Bill No. 293, above reported.

The Senate concurred in the Assembly amendments to Senate Bill No. 227, above reported.

The Senate refused to concur in Assembly amendments to Senate Bill No. 336, above reported, and returned the same to the Assembly with an accompanying petition.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

March 23d, 1868. }

MR. PRESIDENT: The Assembly on this day adopted Assembly Concurrent Resolution No. 55, requesting the Governor to return Assembly Bill No. 447.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Joint Resolution No. 56, above reported, was read first and second times; rules suspended, read a third time and concurred in.

MOTIONS AND RESOLUTIONS.

Mr. Pratt introduced the following resolution:

Resolved, That the following sums be allowed, out of the Contingent Fund of the Senate, to the persons herein named, for services as witnesses:

To A. J. Binney, the sum of twenty dollars.

To F. A. Bishop, the sum of forty-four dollars.

And that the Controller draw warrants on said fund for the sums specified in favor of witnesses Binney and Bishop, respectively.

Mr. Teegarden moved to suspend the rules, and consider the resolution now.

Lost.

The resolution was then referred to the Committee on Contingent Expenses.

On motion of Mr. Green, the Secretary of the Senate was instructed to request the Assembly to return Assembly Bill No. 366.

On motion of Mr. Shaw, the rules were suspended, and the amendment to the Standing Rules of the Senate, relative to deciding every point of order raised and every appeal taken from the decision of the President, without debate, was taken up.

Mr. Mandeville moved to lay the resolution on the table.

Messrs. Tubbs, Mandeville and Morrill demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Bradley, Chappell, Conly, Hager, Heacock, Hunter, Johnson, Lewis, Mandeville, Murch, Murphy, Pearce, Roberts, Robinson, Wadsworth—15.

NOES—Messrs. Beach, Curtis, Ewer, Green, Kincaid, Lawrence, Maclay, McDougall, Mizner, Morrill, Pendegast, Perley, Pratt, Rose, Shaw, Teegarden, Tubbs, Tweed—18.

So the motion was lost.

Messrs. Rose, Morrill and Tubbs demanded the ayes and noes on the passage of the resolution.

The vote was as follows:

AYES—Messrs. Beach, Curtis, Ewer, Freeman, Green, Maclay, McDougall, Morrill, Pendegast, Perley, Pratt, Rose, Shaw, Teegarden, Tubbs, Wolcott—16.

NOES—Messrs. Bradley, Chappell, Conly, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Mandeville, Mizner, Murch, Murphy, Pearce, Roberts, Robinson, Tweed, Wadsworth—18.

So the resolution was lost.

Mr. Mizner introduced a concurrent resolution, relative to the improvement of the navigation of the Colorado River

Read first and second times and placed on file.

Mr. Lewis introduced the following resolution :

Resolved, That no new bills shall be introduced after Thursday, the twenty-fifth of March ; and all Standing Committees are instructed to report to the Senate all bills now in their possession on or before Saturday, the twenty-seventh of March.

Mr. Pearce moved to strike out " Thursday," and insert in lieu thereof the word " Wednesday."

Adopted.

Mr. Mandeville moved to strike out " Saturday," and insert in lieu thereof the word " Thursday."

Messrs. Lawrence, Mandeville and McDougall demanded the ayes and noes on the adoption of the amendment

The vote was as follows :

AYES—Messrs. Conly, Freeman, Hager, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Murphy, Pearce, Pendergast, Perley, Rose, Shaw—17.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Green, Heacock, Johnson, Morrill, Murch, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—17.

So the amendment was rejected.

Mr. Mandeville moved to strike out " Saturday," and insert in lieu thereof the word " Friday."

Carried.

On motion of Mr. Mandeville, the resolution was amended by inserting, after the word " standing," in line fourth, the words " and select."

The resolution, as amended, was then adopted.

The rules were suspended for the introduction of the following bill :

By Mr. Robinson—An Act to provide means for supplying the State Normal School with suitable philosophical and chemical apparatus.

Read first and second times and referred to the Committee on Education.

On motion of Mr. Mandeville, the rules were again suspended, and Senate Bill No. 356—An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three—was taken from the general file, out of its order.

The rules were again suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Pearce, the rules were again suspended, and Senate Bill No. 304—An Act to limit the time for commencing civil actions in certain cases—was taken up, out of its order.

Substitute adopted, and amended in Committee of the Whole.

IN SENATE.

Mr. Shaw offered the following amendment :

" Provided this Act shall not apply in any manner to or within the City and County of San Francisco."

Messrs. Shaw, Maclay and Murphy demanded the ayes and noes on the adoption of the amendment.

The vote was as follows:

AYES—Messrs. Conly, Curtis, Mandeville, Murch, Robinson, Shaw, Teegarden, Tubbs, Wadsworth—9.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Mizner, Morrill, Pearce, Pendegast, Perley, Roberts, Rose, Saunders, Tweed, Wolcott—23.

So the amendment was rejected.

The bill was amended by the adoption of the following, offered by Mr. Ewer: Strike out "two years," and insert "eighteen months."

Mr. Robinson offered the following amendment:

"Provided that Alameda County be excepted from the operation of this law."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Shaw, Robinson and Tubbs.

The vote was as follows:

AYES—Messrs. Conly, Curtis, Murch, Perley, Robinson, Shaw, Tubbs, Wadsworth—8.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Pratt, Roberts, Rose, Tweed, Wolcott—25.

So the amendment was rejected.

Mr. Pearce moved a suspension of the rules, that the bill might be considered engrossed, read a third time and passed.

The ayes and noes were demanded by Messrs. Shaw, Murphy and Robinson.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Ewer, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, McDougall, Mizner, Pearce, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Tweed, Wolcott—24.

NOES—Messrs. Conly, Curtis, Mandeville, Morrill, Murch, Robinson, Shaw, Teegarden, Tubbs, Wadsworth—10.

So the motion was carried.

The bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Shaw, Robinson and Hunter.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Freeman, Green, Hager, Heacock, Hunter, Johnson, Lawrence, Lewis, McDougall, Mizner, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Tweed, Wolcott—26.

NOES—Messrs. Conly, Mandeville, Morrill, Murch, Robinson, Shaw, Teegarden, Tubbs, Wadsworth—9.

So the bill was passed.

GENERAL FILE.

Senate Bill No. 410—An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

The hour having arrived for the expiration of the consideration of the general file, on motion of Mr. Roberts, the time was extended until the bill under consideration shall have been disposed of.

The rules were then suspended, bill considered engrossed, read a third time and passed.

REPORT.

The rules were suspended, and Mr. Belden had leave to make the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California—having had the same under consideration, report it back with amendments and recommend that it pass as amended.

BELDEN, Chairman.

GENERAL FILE RESUMED.

Senate Bill No. 433—An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments of committee concurred in.

Rules suspended, bill considered engrossed, read a third time and passed.

At five o'clock and fifteen minutes the President declared the Senate adjourned.

EVENING SESSION.

The Senate was called to order at seven o'clock P. M.

The President in the chair.

Roll called.

Quorum present.

SPECIAL FILE.

Substitute Senate Bill No. 459 was passed on file.

Assembly Bill No. 223 was passed on file.

Assembly Bill No. 224 was passed on file.

Senate Bill No. 465—An Act to repeal certain Acts incorporating the Town of Columbia, in the County of Tuolumne, and all Acts amendatory thereof.

Read a third time and passed.

Senate Bill No. 475—An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-eight.

Substitute adopted, and amended in Committee of the Whole.

IN SENATE.

Amendments of committee concurred in.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 253—An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington.

Mr. Pearce offered the following amendment: Insert an appropriation of five thousand dollars to compensate Haraszthy or his assigns for services rendered the State in Europe in procuring and forwarding a variety of grape cuttings; and also two thousand dollars to Wells, Fargo & Co. for transporting the same to this State.

Mr. Shaw moved the previous question, which was seconded, and the main question was ordered.

The bill was read a third time.

On the passage of the bill, Messrs. Green, Hunter and Johnson demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Freeman, Hager, Heacock, Kincaid, Lawrence, Lewis, Maclay, Mizner, Morrill, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Tweed, Wadsworth—26.

NOES—Messrs. Green, Hunter, Johnson, Mandeville, McDougall, Murch, Murphy, Pearce, Wolcott—9.

So the bill was passed.

Substitute for Senate Bill No. 459—An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco and embraced within the limits of the City of San Francisco as established by an Act entitled an Act to re-incorporate the City of San Francisco, passed April fifteenth, eighteen hundred and fifty-one.

Mr. Shaw moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Green, Beach and Tubbs.
The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conly, Freeman, Green, Lawrence, Mandeville, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Wadsworth, Wolcott—19.

NOES—Messrs. Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, McDougall, Murch, Pearce, Robinson, Saunders, Tweed—13.

So the motion was carried.

Assembly Bill No. 223—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

Mr. Johnson moved to lay the bill on the table.

Lost.

Mr. Pearce moved a call of the Senate.

Carried.

On the roll of Senators being called, Messrs. Maclay and Lewis failed to respond to the call of their names, and were absent without leave.

On motion of Mr. Shaw, further proceedings under the call were dispensed with.

Mr. Mizner moved to refer the bill to the Judiciary Committee, with instructions to report on Wednesday morning.

Messrs. Shaw, Heacock and Green demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Maclay, Mizner, Murch, Pearce, Robinson, Saunders, Tweed, Wadsworth—17.

NOES—Messrs. Belden, Chappell, Conly, Freeman, Green, Lawrence, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—19.

So the Senate refused.

Mr. Johnson moved to make the further consideration of the bill the special order for to-morrow at two o'clock P. M.

Messrs. Rose, Heacock and Pearce demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Maclay, Mizner, Murch, Pearce, Robinson, Saunders, Tweed—17.

NOES—Messrs. Conly, Freeman, Green, Lawrence, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—18.

So the motion was lost.

Mr. Johnson moved to adjourn.

Messrs. Rose, Heacock and Green demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Maclay, Mizner, Murch, Pearce, Robinson, Saunders—15.

NOES—Messrs. Bradley, Chappell, Conly, Freeman, Green, Lawrence, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt,

Roberts, Rose, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—21.

So the Senate refused.

Mr. Conly moved the previous question, which was not seconded.

Mr. Mizner moved to place the bill on top of special file for tomorrow evening.

Messrs. Shaw, Green and Rose demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Maclay, Mizner, Murch, Pearce, Robinson, Saunders, Teegarden, Tweed—17.

NOES—Messrs. Belden, Chappell, Conly, Freeman, Green, Lawrence, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Tubbs, Wadsworth, Wolcott—19.

So the motion was lost.

Mr. Heacock moved to amend the bill by adding after the word "confirmed," in section nineteen, the following:

"So far as relates to any right, title or interest acquired by the said City and County of San Francisco, or by the grantees named in said order, from, under or by virtue of an Act of Congress entitled an Act to quiet title to certain lands in the City of San Francisco, approved March eighth, eighteen hundred and sixty-six, and any right, title or interest vested in the City, or in the City and County of San Francisco, or the inhabitants thereof, from, by or under the Pueblo of San Francisco and by the City of San Francisco, or the City and County of San Francisco, as successor to the said pueblo, are hereby expressly reserved from the operation of the said order and of this Act, and the same shall not in any manner be impaired or affected by said order or by this Act."

Mr. Rose moved the previous question.

On ordering the same, the Senate divided, and there being a tie, the Chair (Mr. Mandeville) declared the motion lost.

The question recurring on the adoption of the amendment offered by Mr. Heacock, the ayes and noes were demanded by Messrs. Morrill, Green and Teegarden.

The vote was as follows:

AYES—Messrs. Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Maclay, Mizner, Murch, Pearce, Robinson—13.

NOES—Messrs. Belden, Chappell, Conly, Freeman, Green, Lawrence, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tweed, Wadsworth, Wolcott—20.

So the amendment was rejected.

Mr. Mizner offered the following amendment:

"Nothing in this Act shall be so construed as to authorize a conveyance of over a one hundred vara lot to any one person."

To which, on motion of Mr. Pearce, was added:

"And any additional one hundred vara lot on which he has substantial improvements."

Mr. Johnson moved to make the bill the special order for ten o'clock to-morrow morning.

Mr. Pratt moved the previous question, but it was not seconded.

The motion of Mr. Johnson was lost.

Mr. Robinson moved to adjourn.

Messrs. Rose, Green and Robinson demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Mandeville, Mizner, Pearce, Robinson, Saunders, Tweed—15.

NOES—Messrs. Belden, Chappell, Conly, Freeman, Green, Lawrence, Maclay, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—20.

So the Senate refused.

Mr. Chappell moved the previous question, which was seconded.

Messrs. Johnson, Mizner and Mandeville demanded the ayes and noes on putting the main question.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Conly, Freeman, Green, Lawrence, Maclay, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—20.

NOES—Messrs. Beach, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Mandeville, Mizner, Murch, Pearce, Robinson, Saunders, Tweed—16.

So the main question was ordered.

Mr. Pearce offered the following as a substitute: Add to section one the following :

"Provided, that no one person shall in any case take or receive more than twenty acres under this Act or said order."

Messrs. Johnson, Pearce and Heacock demanded the ayes and noes on the adoption of the substitute.

The vote was as follows :

AYES—Messrs. Bradley, Conly, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Mandeville, Mizner, Murch, Pearce, Robinson, Tweed—15.

NOES—Messrs. Beach, Belden, Chappell, Freeman, Green, Lawrence, Maclay, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—20.

So the substitute was rejected.

Mr. Saunders offered the following amendment: Strike out the proviso of section one (eleventh page, commencing line three).

Messrs. Saunders, Hager and Rose demanded the ayes and noes on the adoption of the amendment.

The vote was as follows :

AYES—Messrs. Bradley, Conly, Ewer, Hager, Heacock, Hunter, John-

son, Kincaid, Lewis, Mandeville, Mizner, Murch, Pearce, Robinson, Saunders, Tweed, Wadsworth—17.

NOES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Lawrence, Maclay, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—20.

So the amendment was rejected.

The amendment offered by Mr. Mizner was withdrawn.

Messrs. Heacock, Pearce and Rose demanded the ayes and noes on ordering the bill read a third time, and the Senate so ordered by the following vote:

AYES—Messrs. Beach, Belden, Chappell, Conly, Freeman, Green, Lawrence, Maclay, McDougall, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Wadsworth, Wolcott—21.

NOES—Messrs. Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Mandeville, Mizner, Pearce, Robinson, Saunders, Tweed—14.

On the passage of the bill, Messrs. Heacock, Rose and Ewer demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conly, Curtis, Freeman, Green, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Wadsworth, Wolcott—24.

NOES—Messrs. Bradley, Ewer, Heacock, Hunter, Johnson, Kincaid, Mandeville, Mizner, Robinson, Saunders, Tweed—11.

So the bill was passed.

Messrs. Lewis, Pearce and Shaw severally gave notices of motions to reconsider the vote just taken.

At eleven o'clock and thirty minutes, on motion of Mr. Lewis, the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE

SENATE CHAMBER,

Tuesday, March 24th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Green had leave to withdraw Senate Bill No. 571—An Act prescribing the duties of the Lieutenant-Governor as Resident Director of the State Prison.

PETITION.

Mr. Heacock presented a petition from citizens of Sacramento County, remonstrating against the passage of an Act reducing the rates of fare and freight on the Central Pacific Railroad.

Referred to the Committee on Corporations.

INTRODUCTION OF BILLS.

Bills were introduced by leave, as follows :

By Mr. Hager—An Act requiring the Controller of State to transfer certain funds.

Read first and second times ; rules suspended, bill considered engrossed, read third time and passed ; twelfth rule suspended, and immediately transmitted to the Assembly.

By Mr. Hunter—An Act to amend an Act for the government of State Prison convicts and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight, and Acts amendatory thereof.

Read first and second times and referred to the Committee on State Prison.

By Mr. Curtis—An Act to authorize the Sacramento Savings Bank to create a capital stock and issue certificates of shares.

Read first and second times and ordered on special file.

By Mr. Connely (by request)—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Shaw—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of the State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Lewis—An Act relating to roads in the County of Colusa.

Read first and second times ; rules suspended, bill considered engrossed, read third time and passed.

REPORTS.

Mr. Robinson, Chairman of the Committee on Education, made the following report :

MR. PRESIDENT: The Committee on Education, to whom was referred Senate Bill No. 481—An Act to provide for the purchase of apparatus for the State Normal School—have had the same under consideration, and recommend its passage.

ROBINSON, Chairman.

Mr. Wadsworth, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred Senate resolution relative to allowance of fees and mileage

of sundry persons as witnesses before the Committee on Corporations, as follows: A. J. Binney, twenty dollars; F. A. Bishop, twenty-four dollars—have had the same under consideration, and report it back and recommend its passage.

WADSWORTH, Chairman.

A resolution to authorize the Controller of State to draw his warrants for the sums and in favor of the persons above named was adopted.

Mr. Wadsworth also made a report from the same committee, showing the several amounts due sundry persons, for newspapers, oil, wood, coal and drayage, amounting to three hundred and eighteen dollars and ninety two cents.

A resolution directing the Controller of State to draw warrants in favor of the persons and for the amounts specified in said report was adopted.

Mr. Shaw, pursuant to notice, moved to reconsider the vote whereby the Senate passed Assembly Bill No. 223—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

Mr. Mizner moved the previous question, which was seconded.

Messrs. Pearce, Shaw and Mandeville demanded the ayes and noes on ordering the main question put.

The vote was as follows:

AYES—Messrs. Beach, Bellen, Chappell, Curtis, Freeman, Green, Hardy, Lawrence, Maclay, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—22.

NOES—Messrs. Bradley, Conly, Conn, Ewer, Hager, Heacock, Hunter, Johnson, Kincaid, Lewis, Mandeville, Pearce, Robinson, Saunders, Wadsworth—15.

So the main question was ordered.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Shaw, Lewis and Mandeville.

The vote was as follows:

AYES—Messrs. Bradley, Conn, Ewer, Hager, Heacock, Hunter, Johnson, Kincaid, Lewis, Mandeville, Pearce, Robinson, Saunders, Tweed—14

NOES—Messrs. Beach, Bellen, Chappell, Conly, Curtis, Freeman, Green, Hardy, Lawrence, Maclay, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wolcott—23.

So the motion was lost.

The rules were suspended, and Mr. Heacock had leave to introduce the following resolution:

Resolved, That, in the consideration of the general file, bills be considered in their order as placed thereon, unless objections to the merits of such bill be made, in which case such bill shall be passed upon the file, until the file has once been gone through with and the bills disposed of to which no such objection is made. The file having once been gone through with in the manner above specified, the remaining bills thereon

shall then be considered in their proper order. This resolution shall be in force for this day only.

Adopted.

REPORTS.

The rules were again suspended for the introduction of the following :

Mr. Belden, Chairman of the Judiciary Committee, made the following report :

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 273—An Act to provide a law library for the Supreme Court—having had the same under consideration, report it back without amendment and recommend that it pass.

BELDEN, Chairman.

Mr. Curtis, from the Sacramento delegation, made the following report :

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 414, have had the same under consideration, and report the same back without recommendation.

CURTIS,
HEACOCK,
Sacramento Delegation.

Mr. Pratt verbally reported back and recommended the passage of Assembly Bill No. 633—An Act in relation to the County Superintendent of Public Schools in the County of Sierra.

Mr. Freeman, from the Tulare delegation, made the following report :

MR. PRESIDENT: The Tulare delegation, to whom was referred Assembly Bill No. 487, report the same back with an amendment and respectfully recommend its passage as amended.

FREEMAN, for Delegation.

Mr. Green, from the Contra Costa delegation, made the following report :

MR. PRESIDENT: Your Committee, to whom was referred Assembly Bill No. 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same—has had the bill under consideration and reports the same back and recommend its passage.

GREEN, for Delegation.

GENERAL FILE.

The Senate took up bills on the general file, as follows :

Senate Bill No. 468 was passed on file.

Senate Bill No. 250 was passed on file.

Senate Bill No. 564 was passed on file.

Senate Bill No. 517 was passed on file.

Senate Bill No. 310 was passed on file.

Assembly Bill No. 474 was passed on file.

Senate Bill No. 69 was passed on file.

Senate Bill No. 365 was passed on file.

Mr. Beach moved to reconsider the vote whereby the resolution respecting the disposal of bills on the general file was adopted.

Lost.

Senate Bill No. 411 was passed on file.

Senate Bill No. 473 was passed on file.

Senate Bill No. 469—An Act to provide for the care and instruction of juvenile offenders in the State of California.

The reported substitute was amended and adopted, and bill ordered engrossed.

Mr. Roberts moved to reconsider the vote ordering the bill engrossed.

The ayes and noes were demanded by Messrs. Roberts, Bradley and Ewer.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Conly, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Johnson, Kincaid, Lawrence, Mandeville, McDougall, Mizner, Morrill, March, Perley, Pratt, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—28.

NOES—Messrs. Chappell, Conn, Hunter, Lewis, Pearce, Roberts—6.

So the motion prevailed.

The rules were then suspended, and the substitute considered engrossed, read a third time and passed.

Senate Bill No. 380—An Act to regulate metallurgic works and manufacture of acids.

Indefinitely postponed.

Senate Bill No. 103—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, passed April twenty-fifth, eighteen hundred and sixty-two.

Laid on the table.

Senate Bill No. 114—An Act to punish fruit thieves, and for the protection of fruit, ornamental trees, shrubbery and vegetable products.

Substitute adopted; rules suspended, bill considered engrossed, read a third time and passed.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, substitute for Senate Bill No. 304—An Act to limit the time for commencing civil actions in certain cases.

Also, Senate Bill No. 356—An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

Also, substitute for Senate Bill No. 470—An Act to provide for the care and maintenance of indigent insane persons in the State of California.

Also, Senate Bill No. 410—An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of inhabitants

of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Also, Senate Bill No. 433—An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Also, substitute for Senate Bill No. 475—An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-eight.

WADSWORTH, Chairman.

Senate Bill No. 2 was passed on file.

Senate Bill No. 406—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Amendment of committee concurred in.

Rules suspended, bill considered engrossed, read a third time and passed.

The hour of one o'clock P. M. having arrived, the Senate took the usual daily recess.

AFTERNOON SESSION.

The Senate reassembled at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

On motion of Mr. Morrill, substitute for Senate Bill No. 406, above referred to, was ordered immediately transmitted to the Assembly.

On motion of Mr. Mizner, Assembly substitute for Senate Bill No. 2—An Act supplementary to an Act entitled an Act concerning conveyances—was taken up.

The question being on concurring in the Assembly amendments, the Senate refused to concur in the same.

The bill was then ordered returned to the Assembly.

REPORTS.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 227—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco;

Also, Senate Bill No. 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four;

Also, Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of prop-

erty saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six;

Also, Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company;

Also, Senate Bill No. 340—An Act supplementary to and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two;

Also, Senate Bill No. 358—An Act to provide for the re-funding of the funded debt of Siskiyou County;

Also, Senate Bill No. 409—An Act relative to the County Treasurer of Lake County;

Also, Senate Bill No. 531—An Act to re-fund the funded debt of the County of San Bernardino;

Also, Senate Bill No. 532—An Act concerning roads and highways in the County of San Bernardino;

Also, Senate Bill No. 536—An Act amendatory of and supplementary to an Act entitled an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four;

Also, Senate Bill No. 545—An Act to authorize Frederick W. Kuelp, Hugo Schenk, John Foster, William Workman, Theodore Riser, A. Langenberger, their associates and assigns, to construct and maintain a wharf in Los Angeles County;

Also, Senate Bill No. 569—An Act to provide for the appointment of a Sheriff for the County of Trinity to fill the vacancy caused by the death of James Cochran;

And this day, at eleven o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

The rules were suspended, and Mr. Robinson had leave to introduce a concurrent resolution granting leave of absence to A. L. Fuller.

Read and adopted.

The rules were again suspended, and Mr. Wolcott had leave to verbally report, recommending the passage of Assembly Bill No. 563—An Act to provide a fund for the payment of counsel fees, and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto.

Substitute for Senate Bill No. 363—An Act to encourage the development of the iron mines of California.

Substitute adopted and amended.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Pendegast moved to suspend the rules and take Assembly Bill No. 129 from the general file and place it first on the special file for tomorrow evening.

Messrs. Perley, Green and Pendegast demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Conn, Curtis, Ewer, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Maclay, Mandeville, McDougall, Morrill, Murch, Pearce, Pendegast, Roberts, Robinson, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wadsworth—27.

NOES—Messrs. Chappell, Green, Lawrence, Mizner, Perley, Pratt, Rose—8.

The motion was carried.

Mr. Maclay moved that the rules be suspended, and Senate Bill No. 511 taken from the general file and placed at the head of the special file for this evening.

The ayes and noes were demanded by Messrs. Roberts, Green and Maclay.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conn, Curtis, Ewer, Green, Hardy, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Pendegast, Perley, Pratt, Rose, Shaw, Teegarden, Tweed, Wolcott—24.

NOES—Messrs. Belden, Heacock, Hunter, Kincaid, Murch, Pearce, Roberts, Robinson, Wadsworth—9.

So the motion was carried.

Mr. Perley moved to suspend the rules and take Senate Bill No. 477 from the general file and place it second on special file for this evening.

Messrs. Perley, Heacock and Chappell demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Chappell, Conn, Curtis, Ewer, Green, Hardy, Heacock, Kincaid, Lawrence, Maclay, McDougall, Mizner, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Tweed, Wadsworth, Wolcott—25.

NOES—Messrs. Hunter, Johnson, Mandeville, Morrill, Murch, Pearce, Teegarden—7.

So the motion prevailed.

The rules were suspended for the reception of the following:

Mr. Tubbs, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bill under consideration, and report the same back with amendments:

Assembly Bill No. 536 (substitute for Assembly Bills Nos. 154, 310 and 325)—An Act for the relief of certain parties therein named.

The delegation are of the opinion the bill should not pass, with or without the amendments, for the reason that the parties named in the bill have no legal or equitable claim against the City of San Francisco.

TUBBS, for Delegation.

Mr. Tubbs, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back with amendments and respectfully recommend its passage as amended:

Assembly Bill No. 322—An Act to amend an Act entitled an Act granting to certain persons therein named the right to lay a railroad

track along certain streets in the City and County of San Francisco. approved April second, eighteen hundred and sixty-six.

TUBBS, for Delegation.

Mr. Tubbs, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back and respectfully recommend its indefinite postponement:

Assembly Bill No. 444.

TUBBS, for Delegation.

GENERAL FILE RESUMED.

Senate Bill No. 279—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight.

Amendment adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 325—An Act to punish disobedience of orders by employes on railroads in this State.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 192—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 455—An Act to amend an Act entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and the other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 372 was passed on file.

Senate Bill No. 427 was passed on file.

Senate Bill No. 543 was passed on file.

Senate Bill No. 248 was passed on file.

Senate Bill No. 152 was passed on file.

Assembly Bill No. 19 was passed on file.

Senate Bill No. 522—An Act concerning certain crimes and punishments.

Amendments adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Substitute for Assembly Bill No. 293—An Act for the preservation of trout.

The vote whereby the substitute was adopted was reconsidered.

The original bill was amended, read a third time and passed.

Assembly Bill No. 72—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Amendment adopted, read a third time and passed.

Senate Bill No. 434—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life, health, and against accidents, approved April second, eighteen hundred and sixty-six.

Ordered engrossed.

Senate Bill No. 323—An Act supplementary and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Laid on the table.

REPORT.

The rules were suspended for the introduction of the following:

Mr. Shaw, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation, to whom Assembly Bill No. 281 was referred, having considered the same, report it back with several amendments, and recommend that the bill be rejected, unless said amendments be adopted.

SHAW, for Delegation.

GENERAL FILE RESUMED.

Assembly Concurrent Resolution No. 40, relative to securing the passage of a law by Congress granting aid to the Oroville and Virginia City Railroad Company.

Read a third time and concurred in.

Senate Bill No. 226 was passed on file.

Senate Bill No. 62 was passed on file.

Senate Bill No. 338 was passed on file.

The rules were suspended for the introduction of the following resolution by Mr. Chappell:

Resolved by the Senate, the Assembly concurring. That the Governor be respectfully requested to return Senate Bill No. 569—An Act to provide for the appointment of Sheriff of Trinity County.

Adopted.

Senate Bill No. 253—An Act supplementary to an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

The bill was amended, the rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 254—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 399—An Act to secure the safety of travellers on railroads.

Indefinitely postponed.

Assembly Bill No. 245—An Act to amend an Act entitled an Act to provide for the appointment of and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty.

The bill having been read a third time, Messrs. Kincaid, Pearce and Heacock demanded the ayes and noes on its passage.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Curtis, Green, Hardy, Heacock, Murphy, Roberts, Robinson, Shaw, Tubbs—11.

NOES—Messrs. Bradley, Conn, Freeman, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, Mizner, Morrill, Murch, Pearce, Perley, Pratt, Rose, Saunders, Wadsworth, Wolcott—19.

So the Senate refused to pass the bill.

REPORTS.

Mr. Hager, from the San Francisco delegation, made the following report :

Mr. PRESIDENT : The San Francisco delegation have had the following bills under consideration, report the same back, and respectfully recommend the passage of Assembly Bill No. 357.

Also, report back Assembly Bill No. 333 with amendments—the delegation recommends the adoption of the amendments—and the bill as amended for the consideration of the Senate.

HAGER, for Delegation.

Mr. Hager verbally reported on Senate Bill No. 318—An Act requiring the purchasers of seminary and public building lands on a credit to pay the balance due the State—recommending that it be laid on the table.

So ordered.

Mr. Heacock, from the Judiciary Committee, made the following report :

Mr. PRESIDENT : The Judiciary Committee, to whom was referred Assembly Bill No. 121 (substitute for Assembly Bills Nos. 33 and 94)—An Act to repeal certain statutes requiring political or other test oaths—have had the same under consideration and report the same back and recommend its passage.

HEACOCK, for Committee.

Mr. Teegarden made the following report :

Mr. PRESIDENT : Your committee, to whom was referred Senate Bill No. 567, have had the same under consideration and beg leave to report the same back without recommendation.

TEEGARDEN,
McDOUGALL,
JOHNSON,
MACLAY.
PERLEY.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 24th, 1868. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 7—An Act to settle the title to lands in the Town of San Luis Obispo.

Also, Senate Bill No. 441—An Act to provide for levying a special tax to construct a public school-house in Nevada School District, in the County of Nevada.

Also, Senate Bill No. 225—An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

Also, Senate Bill No. 85—An Act to extend a franchise heretofore granted to J. K. Hackett and Charles D. Judah to use and continue a wharf and to charge and collect wharfage.

Also, Senate Bill No. 403—An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 245—An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz.

Also, Senate Bill No. 512—An Act for the relief of William O'Shea.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }
March 23d, 1868. }

Mr. PRESIDENT : The Assembly this day passed Assembly Bill No. 616—An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

Also, Assembly Bill No. 545—An Act to confirm and legalize certain contracts entered into by Peter Donahue and others.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 23d, 1868. }

Mr. PRESIDENT : I am directed to inform your honorable body that the Assembly on this day have refused to concur in Senate amendments to Assembly Bill No. 134, entitled an Act in relation to the county officers of the County of Sierra, and have appointed on the part of the

House, as a Committee of Conference, Messrs. Farish, Tuttle and Cochran.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 23d, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-first day of March, passed Assembly Bill No. 679—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 23d, 1868. }

MR. PRESIDENT: The Assembly this day passed Senate Bill No. 440—An Act to incorporate the City of Petaluma.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 24th, 1868. }

MR. PRESIDENT: The Assembly this day passed Senate Bill No. 575—An Act requiring the Controller of State to transfer certain funds.

Also, Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

Also, Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke and infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

Also, Assembly Bill No. 585—An Act concerning the municipal elections to be held in the City of Petaluma and Town of Santa Rosa, Sonoma County.

Also, Assembly Bill No. 584—An Act to establish a Board of Commissioners for the former Pueblo of the City of Sonoma, and other matters relating thereto.

Also, substitute for Assembly Bill No. 274—An Act to extend the police powers of the President and Trustees of the City of San Diego.

Also, Assembly Bill No. 612—An Act to amend sections one, two and three of an Act entitled an Act concerning the office of County Clerk of Placer County.

Also, Assembly Bill No. 604—An Act to authorize J. S. Woods, William Shattuck and others, to lay down gas pipes in the City of Sacramento.

Also, Assembly Bill No. 636—An Act to authorize Miguel Pedrorrena and assigns to build a wharf in San Diego.

Also, Assembly Bill No. 710—An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte.

Also, Assembly Bill No. 611—An Act to fix the salary of the Treasurer of Placer County.

Also, Assembly Bill No. 564—An Act to divide the County of Mono into Supervisor districts.

Also, Assembly Bill No. 659—An Act to facilitate the City of Sacramento in procuring material to raise the streets and levees.

Also, Assembly Bill No. 548—An Act for the relief of T. M. Brown.

Also, Senate Bill No. 387—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco.

Also, Senate Bill No. 507—An Act to provide for the payment of the State's portion of the County Auditor's salaries in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 24th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed, with amendments, Senate Bill No. 528—An Act amendatory of and supplemental to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe the sum of seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, Senate Bill No. 529—An Act amendatory of and supplemental to an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, with amendments, Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 24th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed Assembly Bill No. 711—An Act further extending the time for the completion of the Campo Seco and Mokelumne Hill Turnpike Road.

Also, Assembly Bill No. 555—An Act to separate the office of County Recorder from that of County Clerk in the County of Alameda, and to provide for the election of a County Recorder therein.

Also, Assembly Bill No. 593—An Act to supply deficient records in the County Clerk's office in the County of Sacramento.

Also, Assembly Bill No. 707—An Act concerning roads and highways in the County of Placer.

Also, Assembly Bill No. 625—An Act to authorize the Board of Supervisors to order a re-survey of the lines of Nevada street, in the City and County of San Francisco.

Also, Assembly Bill No. 751—An Act authorizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county.

Also, Assembly Bill No. 740—An Act supplemental to an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March nineteenth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. — : an Act to provide for the location, construction and maintenance of public roads in the County of Nevada.

Also, Assembly Bill No. 714—An Act to repeal parts of an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 559—An Act to fix the compensation of the Sheriff of the County of San Luis Obispo.

Also, Senate Bill No. 467 (substitute)—An Act for the relief of C. C. Townsend.

Also, Senate Bill No. 418—An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 407—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two.

Also, Senate Bill No. 424—An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four.

Also, Senate Bill No. 400—An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers in the County of Butte, approved May third, eighteen hundred and sixty-one.

Also, Senate Bill No. 395—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures.

Also, Senate Bill No. 420—An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador and to prescribe the manner of paying the same.

Also, Senate Bill No. 414—An Act to incorporate the Town of Redwood City.

Also, Senate Bill No. 226—An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, etc.

Also, Senate Bill No. 523—An Act to amend an Act entitled an Act to provide a fund for the redemption and prescribing the manner of redeeming the outstanding county warrants drawn on the Treasurer of Tuolumne County.

Also, Senate Concurrent Resolution No. 61, granting leave of absence from the State to W. J. Costigan, County Clerk of Solano County.

Also, substitute for Senate Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco.

Also, indefinitely postponed Senate Bill No. 530—An Act to amend an Act entitled an Act to regulate fees in office in the County of Nevada.

Also, Senate Bill No. 548—An Act to authorize the Board of Supervisors of Tulare County to re-district the County of Tulare into Supervisor Districts.

Also, Senate Bill No. 397—An Act to provide for funding the debt of the Road Fund in Tulare County.

Also, Senate Bill No. 396—An Act to create a Contingent Fund for the County of Kern.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 24th, 1868. }

Mr. PRESIDENT: The Assembly, on the twentieth instant, passed substitute for Assembly Bill No. 705—An Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 24th, 1868. }

Mr. PRESIDENT: The Assembly this day concurred in Senate Resolution No. 69, requesting the return of Senate Bill No. 569 by the Governor.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 585, above reported, was read first and second times, and referred to the Sonoma delegation.

Assembly Bill No. 584, above reported, was read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 564, above reported, was read first and second times and placed on file.

Assembly Bill No. 611, above reported, was read first and second times and placed on file.

Assembly Bill No. 636, above reported, was read first and second times and placed on file.

Assembly Bill No. 710, above reported, was read first and second times and referred to the Del Norte delegation.

Assembly Bill No. 604, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 155, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 612, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 274, above reported, read first and second times and ordered on special file.

Assembly Bill No. 711, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 593, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 555, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 713, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 740, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 707, above reported, was read first and second times and ordered on special file.

Assembly Bill No. 625, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 705, above reported, was read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 670, above reported, was read first and second times and placed on general file.

Assembly Bill No. 751, above reported, was read first and second times and referred to the Mono and Inyo delegations.

Assembly Bill No. 616, above reported, was read first and second times.

A motion was made to refer to the Judiciary Committee.

The ayes and noes were demanded by Messrs. Lewis, Mandeville and Morrill.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Green, Hardy, Heacock, Johnson, McDougall, Mizner, Murphy, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—22.

NOES—Messrs. Conn, Freeman, Hager, Hunter, Kincaid, Lewis, Maclay, Mandeville, Morrill, Murch, Pearce, Rose, Saunders, Shaw—14.

So the motion was carried.

Mr. Kincaid moved that the Committee be requested to report to-morrow morning.

Mr. Tubbs moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Rose, Tubbs and Johnson.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Green, Hardy, Heacock, Johnson, McDougall, Mizner, Murphy, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—22.

NOES—Messrs. Conn, Freeman, Hager, Hunter, Kincaid, Lewis, Maclay, Mandeville, Morrill, Murch, Pearce, Rose, Saunders, Shaw—14.

So the motion prevailed.

Mr. Shaw moved to suspend the rules and take Senate Bill No 247 from the general file and place it third on file for to-morrow.

Mr. Pearce called for a division of the question.

Messrs. Conn, Murphy and Shaw demanded the ayes and noes on suspending the rules.

The vote was as follows:

AYES—Messrs. Bradley, Chappell, Conn, Ewer, Green, Hardy, Heacock, Kincaid, McDougall, Mizner, Morrill, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Tweed, Wadsworth—20.

NOES—Messrs. Beach, Belden, Curtis, Freeman, Hager, Hunter, Johnson, Lewis, Maclay, Mandeville, Murch, Murphy, Pearce, Perley, Teegarden, Wolcott—16.

So the Senate refused.

The rules were suspended for the introduction of the following bill:

By Mr. Belden—An Act to provide for the removal of human remains in certain cases

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

At four o'clock and forty-five minutes p. m., Mr. Pratt moved to adjourn.

Messrs. Rose, Heacock and Pearce demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Conn, Freeman, Green, Hager, Hardy, Johnson, Kincaid, Lewis, Mandeville, Mizner, Perley, Pratt, Saunders, Shaw, Teegarden, Tubbs, Tweed, Wolcott—20.

NOES—Messrs. Belden, Chappell, Curtis, Ewer, Heacock, Hunter, Lawrence, Maclay, McDougall, Murphy, Pearce, Roberts, Robinson, Rose, Wadsworth—15.

The motion was carried, and the Senate stood adjourned.

EVENING SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

SPECIAL FILE.

The Senate took up and considered the special file and disposed thereof as follows:

Assembly Bill No. 224—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

Mr. Pearce moved to refer the bill to the Judiciary Committee.

Lost.

Mr. Hager offered the following amendment: Amend section three, line thirteen, page six, by inserting after the word "person" and before the word "involving," the following: "Or if after the passage of this Act a suit be commenced."

Adopted.

Mr. Pearce offered the following amendment: Strike out the word "conclusive" in the last section, and insert in lieu thereof the words "*prima facie*."

Rejected.

On ordering the bill read a third time, the ayes and noes were demanded by Messrs. Green, Kincaid and Saunders, with the following result:

AYES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hager, Hardy, Lawrence, Maclay, McDougall, Morrill, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—22.

NOES—Messrs. Bradley, Conn, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Mandeville, Mizner, Murphy, Pearce, Robinson, Saunders, Tweed—15.

The bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Kincaid, Green and Pearce.

The vote was as follows :

AYES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hardy, Lawrence, Maclay, McDougall, Morrill, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teggarden, Tubbs, Wadsworth, Wolecott—21.

NOES—Messrs. Bradley, Conn, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Maudeville, Mizner, Murphy, Pearce, Robinson, Saunders, Tweed—15.

So the bill was passed.

MESSAGE FROM THE ASSEMBLY.

On motion of Mr. Conn, the rules were suspended, and the Senate took up the following :

ASSEMBLY CHAMBER.

March 24th, 1868. }

MR. PRESIDENT: The Governor of the State having returned Assembly Bill No. 447—An Act to re-district the County of Los Angeles and to provide for the election of Supervisors—for correction, the Assembly have adopted the following as section two, in order to meet the correction necessary, and ask the immediate concurrence of the Senate in the same.

J. R. BEARD,

Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

By unanimous consent, the bill above reported was taken up and the amendment made in Assembly concurred in.

On motion of Mr. Maudeville, the rules were suspended, and the Senate took up Senate Bill No. 353—An Act to authorize the sale and conveyance to William Dunphy and others of certain overflowed lands, and to carry on the business of slaughtering thereon, within the limits of the City and County of San Francisco.

The bill having been amended, and the rules being suspended, on its passage the ayes and noes were demanded by Messrs. Roberts, Maclay and Lewis.

Mr. Pendegast moved to reconsider the vote whereby the Senate agreed to consider the bill engrossed.

Carried.

Mr. Pendegast moved to recommit the bill to the San Francisco delegation.

The motion was lost.

Mr. Belden offered the following amendment: Amend section four by adding thereto as follows: "And shall be absolutely forfeited if the same shall be employed for any other than butchering purposes."

On adopting the amendment, the ayes and noes were demanded by Messrs. Roberts, Mizner and Belden.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Curtis, Hager, Johnson, Lawrence, Roberts, Robinson, Rose, Wadsworth, Wolcott—11.

NOES—Messrs. Beach, Chappell, Conn, Freeman, Green, Hardy, Hunter, Kincaid, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Saunders, Shaw, Teegarden, Tubbs, Tweed—25.

So the amendment was rejected.

The bill was further amended in Committee of the Whole.

IN SENATE.

The rules were suspended, and the bill considered engrossed.

On the passage of the bill, the ayes and noes were demanded by Messrs. Mizner, Pearce and Belden.

The vote was as follows:

AYES—Messrs. Conn, Freeman, Green, Hager, Hardy, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wolcott—25.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Heacock, Johnson, Murch, Pearce, Roberts, Tweed, Wadsworth—12.

So the bill was passed.

Messrs. Rose and Hardy respectively gave notice of a motion to reconsider the foregoing vote.

The rules were suspended, and Mr. Hager, from the San Francisco delegation, reported back Assembly Bill No. 545, recommending that it be referred to the Santa Clara delegation.

The Senate so ordered.

BILL RETURNED.

The following resolution was received in an Assembly message:

Resolved, That the Senate be respectfully requested to return to the Assembly, Senate Bill No. 541—An Act supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

On motion of Mr. Murphy, the rules were suspended, and the Senate complied with the request contained in the resolution.

The Senate took from the file, according to previous agreement, Senate Bill No. 511—An Act to encourage the early construction of the Southern Pacific Railroad.

Reported amendments adopted.

Mr. Rose moved to suspend the rules and consider the bill engrossed, in order to put it on its passage.

Mr. Beach moved to adjourn.

The ayes and noes were demanded by Messrs. Rose, Lawrence and Maclay.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Curtis, Hager, Heacock, Hunter, Johnson, Kincaid, Morrill, Murch, Pearce, Pendegast, Roberts, Robinson, Saunders, Tubbs, Wadsworth—18.

NOES—Messrs. Chappell, Conn, Ewer, Freeman, Green, Hardy, Lawrence, Maclay, McDougall, Mizner, Murphy, Perley, Rose, Shaw, Teegarden, Wolcott—16.

So the motion was carried.

And at ten o'clock and eighteen minutes P. M. the Senate adjourned.

WILLIAM HOLDEN.

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Wednesday, March 25th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. T. H. B. Anderson.

Journal of yesterday read and approved.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, substitute for Senate Bill No. 469—An Act to provide for the care and instruction of juvenile offenders in the State of California.

Also, substitute for Senate Bill No. 363—An Act to encourage the development of the iron mines of California.

Also, Senate Bill No. 279—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight.

Also, Senate Bill No. 325—An Act to punish disobedience of orders by employes on railroads in this State.

Also, Senate Bill No. 253—An Act supplementary to an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

Also, substitute for Senate Bill No. 254—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 192—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto.

Also, Senate Bill No. 434—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life, health, and against accidents, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 455—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and the other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one.

Also, Senate Bill No. 522—An Act concerning certain crimes and punishments.

Also, Senate Bill No. 577—An Act relating to roads in the County of Colusa.

Also, substitute for Senate Bill No. 114—An Act amendatory of and supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

WADSWORTH, Chairman.

INTRODUCTION OF BILLS.

By leave, bills were introduced, as follows :

By Mr. Pendegast—An Act to confer additional power on the Board of Supervisors of Mendocino County.

Read first and second times; rules suspended, bill considered engrossed, read third time and passed; twelfth rule suspended, and immediately transmitted to the Assembly.

By Mr. Hager—An Act to confer additional power upon the Board of Supervisors of the City and County of San Francisco, and to authorize an appropriation of money by said Board.

Read first and second times and referred to the San Francisco delegation.

REPORTS.

Mr. Pearce submitted a minority report from the Committee on Federal Relations on Senate Resolution No. 15, which was received and ordered printed.

[For report see Appendix.]

Mr. Pearce, from the Committee on Federal Relations, made the following report :

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 40, having had the same under consideration and failed to agree on a recommendation, the minority of your committee beg respectfully to report that, upon the general grounds and principles shown in their report and Senate Concurrent Resolution No. 15, they recommend the passage of the resolution.

PEARCE, for minority of the Committee.

The report was ordered on file.

Mr. Green, Chairman of the Committee on State Prison, made the following report :

MR. PRESIDENT: The Committee on State Prison, to whom was referred Senate Bill No. 576—An Act to amend an Act for the government of State Prison convicts and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight, and an Act amendatory thereof—have had the same under consideration and report the bill back and recommend that it be indefinitely postponed.

GREEN, Chairman.

The rules were suspended for the introduction of the following bill :

By Mr. Shaw—An Act to amend section nineteen of an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

Mr. Mizner verbally reported recommending the passage of Assembly Bill No. 621—An Act to authorize the construction and maintenance of a wharf at the Town of New San Diego, on the Bay of San Diego, by William H. Davis, his associates and assigns; and Assembly Bill No. 606—An Act to authorize certain persons to construct weirs and traps in the Straits of Carquines for the purpose of fishing.

Mr. Mackay verbally reported recommending the passage of Assembly Bill No. 545—An Act to legalize certain contracts entered into by Peter Donahue and others.

Mr. Bradley, from the Placer delegation, made the following report :

MR. PRESIDENT: The Placer delegation, to whom was referred Assembly Bill No. 797—An Act concerning roads and highways—have had the same under consideration and report the same back and recommend its passage.

BRADLEY,
TWEED.

Mr. Hager verbally reported recommending the passage of Assembly Bill No. 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms; and Assembly Bill No. 625—An Act to authorize the Board of Supervisors to order a re-survey of the lines of Nevada street, in the City and County of San Francisco.

Mr. Shaw moved to recommit Assembly Bill No. 625, above reported, to the San Francisco delegation.

Lost.

Mr. Murch, from the Klamath and Del Norte delegation, made the following report :

MR. PRESIDENT: The Klamath and Del Norte delegation, to whom was referred Assembly Bill No. 710—An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte—have had the same under consideration and report it back with amendments, and recommend its passage as amended.

MURCH, for Delegation.

The rules were suspended, and, on motion of Mr. Murch, Assembly Bill No. 710, above reported, was taken up, amendments of the delegation concurred in, read a third time and passed, and title amended.

The rules were suspended for the introduction of the following bills:

By Mr. Murch—An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for Klamath County.

Read first and second times and ordered on special file.

Also, an Act concerning roads and highways and bridges in Klamath County.

Read first and second times and ordered on special file.

Also, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved April tenth, eighteen hundred and sixty-two.

Read first and second times and ordered on special file.

Mr. Pearce, from the Sonoma delegation, made the following report:

MR. PRESIDENT: The delegation from Sonoma, to whom was referred Assembly Bill No. 585—An Act concerning the municipal elections to be held in the City of Petaluma and Town of Santa Rosa, Sonoma County, have had the same under consideration, and respectfully report the same back without amendment, and recommend the passage of the bill.

PEARCE, for Delegation.

On motion of Mr. Pearce, Assembly Bill No. 585, above reported, was taken up, under a suspension of the rules, amended, read a third time and passed.

Mr. Rose, pursuant to notice, moved to reconsider the vote whereby the Senate on yesterday passed Senate Bill No. 353—An Act to authorize the sale and conveyance to William Dunphy and others of certain overflowed lands, and to carry on the business of slaughtering thereon, within the limits of the City and County of San Francisco.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider.

Mr. Mandeville moved the previous question, which was seconded.

The main question was ordered put

The ayes and noes were demanded by Messrs. Rose, Mandeville and Morrill, on the motion of Mr. Mandeville to indefinitely postpone the motion to reconsider.

The vote was as follows:

AYES—Messrs. Conn, Freeman, Green, Hager, Hardy, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Rose, Saunders, Shaw, Tubbs, Wolcott—22.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Heacock, Johnson, Murch, Pearce, Roberts, Robinson, Teggarden, Tweed, Wadsworth—15.

So the motion prevailed.

Mr. Mandeville verbally reported, recommending the passage of Assembly Bill No. 751—An Act authorizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county.

On motion of Mr. Mandeville, the rules were suspended, and Assembly Bill No. 751, above reported, was taken up.

The rules were further suspended, and the bill was read a third time and passed.

Mr. Mandeville moved to suspend the rules, and take up Assembly Bill No. 474—An Act to provide for the management and sale of the lands belonging to the State.

Messrs. Mandeville, Rose and Green demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Teegarden, Tweed, Wolcott—32.

NOES—Messrs. Bradley, Johnson, Kincaid, Shaw, Tubbs, Wadsworth—6.

So the motion prevailed.

On motion of Mr. Lewis, the reading of the bill was dispensed with, except such portions as might be affected by proposed amendments.

Mr. Pearce offered the following amendment: Strike out the words, "salt marsh and tide," wherever they occur in the bill.

Messrs. Pearce, Lawrence and Bradley demanded the ayes and noes on the adoption of the amendment.

The vote was as follows:

AYES—Messrs. Belden, Bradley, Conn, Ewer, Hager, Heacock, Johnson, Pearce, Robinson, Saunders, Tweed, Wadsworth—12.

NOES—Messrs. Curtis, Freeman, Green, Hardy, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Shaw, Teegarden, Wolcott—23.

So the amendment was rejected.

Mr. Freeman offered the following amendment: Amend section five as follows: In lines eleven, twelve and thirteen, printed bill, strike out the words,

"Provided, that no patent shall issue within one year after the date of the survey or location;"

And insert as follows:

"Provided, that before any patent shall be issued, the Register of the State Land Office shall publish a notice in some newspaper of general circulation for four consecutive weeks, at the expense of the applicant, which shall not exceed four dollars for each notice of application, setting forth the name of the applicant and describing the land for which a patent is applied, designating the county, township, range and section in which the same is situated, and the date upon which the patent will be issued unless a protest in due form shall be previously filed; provided, that date of issuance of any patent shall not be less than thirty nor more than fifty days from the date of the first publication of the notice."

Adopted.

Mr. Heacock offered the following amendment: Strike out the first proviso in section seventy.

On the adoption of the amendment, Messrs. Heacock, Green and Bradley demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Ewer, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Mandeville, McDougall, Morrill, Pearce, Pendegast, Perley, Roberts, Robinson, Saunders, Shaw, Tweed, Wadsworth—26.

NOES—Messrs. Freeman, Green, Lewis, Maclay, Murch, Pratt, Rose, Teegarden, Wolcott—9.

So the amendment was adopted.

Mr. Pearce offered the following amendment: Strike out the proviso to section nineteen.

Lost.

The bill was further amended in Committee of the Whole.

Pending further consideration thereon, the hour arrived for recess.

AFTERNOON SESSION.

The Senate reassembled at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

REPORT.

The rules were suspended, and Mr. Belden had leave to make the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 652—An Act concerning the office of Prosecuting Attorney in the Police Court of the City and County of San Francisco—having had the same under consideration, report the same back with an amendment and without recommendation.

Also, Senate Bill No. 197—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—report the same back without amendment, and recommend that it pass.

BELDEN, Chairman.

The rules were suspended, and Mr. Tubbs, by leave, introduced a bill for an Act further to provide for the ratification of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed, and twelfth rule suspended.

Mr. Pearce gave notice of a motion to reconsider.

The Senate resumed consideration of Assembly Bill No. 474—An Act to provide for the management and sale of the lands belonging to this State.

The bill was amended in Committee of the Whole.

Mr. Mandeville moved to strike out section forty-eight of the bill.

The ayes and noes were demanded by Messrs. Lewis, Perley and Rose. The vote was as follows:

AYES—Messrs. Ewer, Freeman, Hager, Hardy, Johnson, Mandeville, Morrill, Murch, Murphy, Pearce, Roberts, Robinson, Saunders, Shaw, Tweed, Wadsworth—16.

NOES—Messrs. Beach, Curtis, Green, Heacock, Hunter, Lawrence, Lewis, Maclay, Pendegast, Perley, Pratt, Rose, Teegarden—13.

So the motion was carried.

Mr. Roberts' amendment was adopted for the section stricken out.

Section forty-six was amended, on motion of Mr. Mizner, and the bill read a third time and passed.

REPORTS.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 400—An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers in the County of Butte, approved May third, eighteen hundred and sixty-one;

Also, Senate Bill No. 407—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two;

Also, Senate Bill No. 420—An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador and to prescribe the manner of paying the same;

Also, Senate Bill No. 418—An Act to amend an Act entitled an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six;

Also, Senate Bill No. 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law;

Also, Senate Bill No. 367—An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County;

Also, Senate Bill No. 226—An Act supplemental to and amendatory to an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, etc., etc.;

Also, Senate Bill No. 243—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight;

Also, Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease;

Also, Senate Bill No. 136—An Act to authorize Montgomery Godley, administrator, with the will annexed, of the estate of Charles G. McChes-

ney, deceased, to sell certain lands belonging to the estate of said deceased;

Also, Senate Bill No. 89—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, to sell certain property at private sale;

Also, Senate Concurrent Resolution No. 61, granting leave of absence from the State to W. J. Costigan, County Clerk of Solano County;

Also, substitute for Senate Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco;

Also, Senate Bill No. 424—An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four;

Also, Senate Bill No. 453—An Act for the relief of the Common School Fund of Butte County;

Also, Senate Bill No. 450—An Act to authorize the Trustees of the City of Petaluma and their successors in office to execute a certain trust;

Also, Senate Bill No. 395—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures;

Also, Senate Bill No. 548—An Act to authorize the Board of Supervisors of Tulare County to re-district the County of Tulare into Supervisor Districts;

Also, Senate Bill No. 559—An Act to fix the compensation of the Sheriff of the County of San Luis Obispo;

Also, Senate Bill No. 396—An Act to create a Contingent Fund for the County of Kern;

Also, Senate Bill No. 529—An Act amendatory of and supplemental to an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight;

Also, substitute for Senate Bill No. 226—An Act to ratify and confirm a certain assignment made by the Folsom Street and Fort Point Railroad Company to the Front Street, Mission and Ocean Railroad Company;

Also, Senate Bill No. 561—An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four;

Also, Senate Bill No. 472—An Act for the relief of David L. Brittin;

Also, Senate Bill No. 561—An Act in relation to the sureties on the official bond of Thomas Norwood, late Treasurer of Tuolumne County;

Also, Senate Bill No. 528—An Act amendatory of and supplemental to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe the sum of seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight;

Also, substitute for Senate Bill No. 467—An Act for the relief of C. C. Townsend;

And this day, at ten o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 581—An Act to provide for the removal of human remains in certain cases.

Also, Senate Bill No. 353—An Act to authorize the sale and conveyance to William Dunphy and others of certain overflowed lands, and to carry on the business of slaughtering thereon, within the limits of the City and County of San Francisco.

WADSWORTH, Chairman.

GENERAL FILE.

Senate Bill No. 468—An Act to provide revenue for the support of Government.

Mr. Shaw moved that the Secretary read the bill by sections, that those sections being objected to, after having been explained, be set down for a day of discussion, and the others be agreed to as read.

Adopted.

The hour of four o'clock having arrived, the hour fixed for the expiration of the consideration of the general file, Mr. Mandeville moved to extend the time until the bill under consideration shall have been read.

Lost.

The rules were suspended for the introduction of the following bills:

By Mr. Teegarden—An Act to repeal an Act entitled an Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz, approved March twenty-third, eighteen hundred and sixty-eight.

Read first and second times and placed on special file.

By Mr. Pearce—An Act to authorize the sale and conveyance to De Courcey M. Goodsell, his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Shaw—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county.

Read first and second times and referred to the San Francisco delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 25th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 340—An Act supplementary to and amendatory of an Act enti-

tled an Act to provide for the funding of the indebtedness of the County of Mendocino.

Also, Senate Bill No. 266—An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 294—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 536—An Act amendatory of and supplementary to an Act entitled an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 227—An Act granting certain privileges to the Front Street, Mission and Ocean Railroad Company.

Also, Senate Bill No. 545—An Act to authorize Frederick W. Kuelp, Hugo Schenk, John Foster, William Workman, Theodore Riser, A. Langenberger, their associates and assigns, to construct and maintain a wharf in Los Angeles County.

Also, Senate Bill No. 409—An Act relative to the County Treasurer of Lake County.

Also, Senate Bill No. 532—An Act concerning roads and highways in the County of San Bernardino.

H. H. HAIGHT, Governor.

Mr. Pearce moved to suspend the rules and resume consideration of Senate Bill No. 468—An Act to provide revenue for the support of the Government.

Lost.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
March 25th, 1868. }

Mr. PRESIDENT: The Assembly have passed Assembly Bill No. 362—An Act to incorporate the City of Vallejo.

Assembly Bill No. 741—An Act empowering the City of Oakland to remove obstructions at the mouth of San Antonio Creek, and to keep the channel of said creek open for navigation.

Assembly Bill No. 506—An Act for the relief of Mark W. Higgins.

Assembly Bill No. 702—An Act to amend section three of an Act entitled an Act providing for the government of the County of Sacramento.

Assembly Bill No. 645—An Act to provide for the collection of a road tax and its application on the public roads in the County of El Dorado.

Assembly Bill No. 737—An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight.

Assembly Bill No. 280—An Act for securing liens of mechanics and others.

Assembly Bill No. 722—An Act for the care and maintenance of indigent insane persons in the State of California.

Assembly Bill No. 743—An Act to provide for the election of Super-

visors in the County of Santa Cruz and for the division of said county into Supervisor Districts.

Assembly Bill No. 588—An Act to authorize and empower Horace Templeton, Thomas W. Moore, William S. Chapman and Clinton Garnee, or their assigns, to float logs and other timber down Pescadero Creek, in San Mateo County, to remove from the channel of said creek all obstructions which may interfere with logging on the same, and to construct and maintain dams, booms and piers in said creek for the period of twenty years.

Assembly Bill No. 91 (substitute)—An Act to fix and establish the rates of fare and freight on railroads, and other matters relating thereto.

Assembly Bill No. 674—An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendments thereto, passed May ninth, eighteen hundred and sixty-one.

Assembly Bill No. 569—An Act to authorize Thomas H. Holt, J. Clarke, J. H. Munnenberg and associates to construct a railroad on certain streets in San Francisco.

Assembly Bill No. 105—An Act in relation to the militia of the State.

Assembly Bill No. 714—An Act to amend Section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six.

J. R. BEARD.

Assistant Clerk.

ASSEMBLY CHAMBER.

March 23d, 1868. }

MR. PRESIDENT: The Assembly have passed Senate Bill No. 258—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

Also, Senate Bill No. 398—An Act to provide for the construction of a railroad from the northern boundary line of the City of San Jose, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same—with amendments.

Also, Assembly Bill No. 300—An Act to relieve the owners of encumbered real estate from double taxation.

Also, Senate Bill No. 279—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

J. R. BEARD.

Assistant Clerk.

ASSEMBLY CHAMBER,

March 24th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the accompanying resolution, requesting the return to the Assembly of Senate Bill No. 541, which was indefinitely postponed by the Assembly.

J. A. EAGAN.

Chief Clerk.

ASSEMBLY CHAMBER, }
March 24th, 1868. }

Mr. PRESIDENT: The Assembly on this day passed Assembly Bill No. 170—An Act to appropriate money to pay the claim of W. D. Harri-man and William G. Wood.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 25th, 1868. }

Mr. PRESIDENT: The Assembly this day passed, with amendments, substitute for Senate Bill No. 470—An Act to provide for the care and maintenance of indigent insane persons in the State of California.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 25th, 1868. }

Mr. PRESIDENT: The Assembly on yesterday passed Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

Senate Bill No. 339—An Act to authorize the establishment of a Board of Health in the City of Sacramento.

Senate Bill No. 565—An Act to provide funds to pay the floating debt of Butte County.

Senate Bill No. 541—An Act supplementary to an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

Senate Bill No. 393—An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suscol, in the County of Napa.

Senate Bill No. 366—An Act to provide for the payment of Mrs. E. Wright salary due her as teacher in Jefferson School District, No. 1, in San Mateo County.

Senate Bill No. 515—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Substitute for Senate Bill No. 40—An Act to authorize the corporate authorities of the Town of Crescent City to locate the tide lands in front of said town.

Senate Bill No. 534—An Act granting the privilege to James B. Peck and his assigns to build and erect a wharf at Saucelito, Marin County.

Assembly Bill No. 543—An Act authorizing Robert Betge and others to lay down and maintain a railroad in the City and County of San Francisco.

Substitute for Senate Bill No. 334—An Act relating to the boundary line between the Counties of Plumas and Sierra.

Assembly Concurrent Resolution No. 61, relative to the pay of experts and witnesses, and others employed by the Capitol Investigating Committee.

Assembly Bill No. 730—An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Senate Bill No. 374—An Act for the relief of the North American Steamship Company. Indefinitely postponed.

Senate Bill No. 309—An Act to incorporate the Town of Santa Clara.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 300, above reported, was read first and second times.

Mr. Lawrence moved to place the bill on top of the file for to-morrow.

Mr. Belden moved its reference to the Judiciary Committee.

During discussion, Mr. Lawrence raised the point of order, that the remarks of Mr. Belden were not confined to the question of reference. The Chair (Mr. Roberts) ruled the point of order not well taken.

Mr. Lawrence appealed to the Senate from the decision of the Chair.

On the question, Shall the decision of the Chair stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Beach, Curtis and Bradley.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Mizner, Pearce, Pendegast, Perley, Robinson, Rose, Teegarden, Wadsworth, Wolcott—23.

NOES—Messrs. Lawrence, Maclay, Mandeville, Morrill, Murphy, Pratt, Shaw—7.

So the Chair was sustained.

Mr. Mandeville raised the point of order, that Mr. Belden, in his remarks, digressed from the question under discussion.

The Chair (Mr. Roberts) decided the point of order not well taken.

From the decision of the Chair, Mr. Mandeville appealed to the Senate.

Pending further action thereon, the hour of five o'clock arrived, and the Senate adjourned.

EVENING SESSION.

The Senate was called to order at seven o'clock.

President in the chair.

Roll called.

Quorum present.

Mr. Rose had leave to introduce a bill for an Act to provide for the election of Assessor and Collector in the County of Amador.

Read first and second times and referred to the Amador delegation.

On motion of Mr. Kincaid, the rules were suspended, and Senate Bill No. 421—An Act to authorize the sale and conveyance to the San Mateo Farming and Manufacturing Company certain overflowed lands in the County of San Mateo—was taken up out of its order.

Reported amendment adopted.

Mr. Kincaid moved to suspend the rules, consider the bill engrossed, and place it on its passage.

Messrs. Green, Hager and Pearce demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green,

Hardy, Heacock, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Mizner, Morrill, Pendegast, Perley, Pratt, Robinson, Rose, Shaw, Teegarden, Wolcott—24.

NOES—Messrs. Bradley, Ewer, Hager, Murch, Pearce, Wadsworth—6.

So the motion was carried.

The bill was then read a third time and passed.

Mr. Mandeville moved to resume the consideration of Assembly messages, above reported.

Messrs. Morrill, Murphy and Mandeville demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Chappell, Freeman, Green, Hager, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Mizner, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Shaw, Teegarden, Tubbs, Wolcott—20.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hardy, Heacock, Hunter, Johnson, McDougall, Pearce, Roberts, Robinson, Rose, Wadsworth—15.

So the motion was carried.

The question being on referring Assembly Bill No. 300 to the Judiciary Committee, Mr. Lawrence moved the previous question.

Mr. Mizner moved a call of the Senate.

Lost.

Messrs. Mandeville, Morrill and Murphy demanded the ayes and noes on referring the bill to the Judiciary Committee, and the Senate refused to so order, by the following vote :

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hardy, Heacock, Hunter, Johnson, Mizner, Pearce, Roberts, Robinson, Rose, Wadsworth—15.

NOES—Messrs. Chappell, Freeman, Green, Hager, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw, Teegarden, Tubbs, Wolcott—20.

The question recurring on the motion of Mr. Lawrence, to place the bill on top of the general file for to-morrow, Mr. Mizner raised the point of order, that by rule thirteen of the Standing Rules of the Senate, a vote of two thirds would be required to place the bill at the head of the file.

The President decided the point of order well taken.

From the decision, Mr. Mandeville appealed.

Previous to any action thereon, Mr. Lawrence withdrew his motion to place the bill on top of the file.

Mr. Mandeville moved that the bill be made the special order for to-morrow at two o'clock p. m., for consideration in Committee of the Whole.

Without coming to a vote on the proposition, Mr. Beach moved to adjourn.

The ayes and noes were demanded by Messrs. Mandeville, Murphy and Lawrence.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hardy, Heacock,

Hunter, Johnson, Lewis, Mizner, Pearce, Roberts, Robinson, Rose, Teegarden, Wadsworth—17.

NOES—Messrs. Chappell, Freeman, Green, Hager, Kincaid, Lawrence, MacIay, Mandeville, Morrill, March, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw, Wolcott—17.

There being a tie, the President, in the exercise of his constitutional privilege, voted aye, and at nine o'clock and forty minutes p. m. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, March 26th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The rules were suspended, and Mr. Lewis had leave to introduce an amendment to the Standing Rules of the Senate, relative to the Sergeant-at-Arms clearing the lobby of all visitors, etc.

On a motion to suspend the rule requiring the amendment to lay over one day, Messrs. Heacock, Lewis and Murphy demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Belden, Bradley, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lewis, Mizner, Pearce, Perley, Roberts, Robinson, Rose, Tweed, Wadsworth, Wolcott—20.

NOES—Messrs. Chappell, Conly, Conn, Freeman, Kincaid, Lawrence, MacIay, Mandeville, Morrill, Murphy, Pendegast, Saunders, Teegarden, Tabbs—14.

So the Senate refused.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 421—An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo.

WADSWORTH, Chairman.

The Journal of yesterday was read and approved.

Mr. Shaw moved to reconsider the vote whereby the Senate on yesterday passed Senate Bill No. 588—An Act to further provide for the ratification and confirmation of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same.

Mr. Shaw moved the previous question, which being seconded, the main question was ordered.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Pearce, Shaw and Mandeville.

The vote was as follows :

AYES—Messrs. Bradley, Conn, Hunter, Johnson, Kincaid, Mandeville, Mizner, Pearce, Robinson, Tweed—10.

NOES—Messrs. Beach, Chappell, Conly, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Lawrence, Lewis, Maclay, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tabbs, Wadsworth, Wolcott—26.

So the motion was lost.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report :

MR. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 588—An Act further to provide for the ratification and confirmation of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same.

WADSWORTH, Chairman.

Mr. Tubbs, Chairman of the Finance Committee, made the following report :

MR. PRESIDENT : The Finance Committee, to whom was referred Assembly Bill No. 693—An Act making appropriations for the support of the civil government of the State of California for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June eighteen hundred and seventy—having had the same under consideration, report it back with amendments and recommend its passage as amended.

TUBBS, Chairman.

On motion of Mr. Tubbs, the rules were suspended, and Assembly Bill No. 693, above reported, was taken up.

Amendments of committee adopted.

The bill was then considered in Committee of the Whole, and amended.

IN SENATE.

Pending further action thereon, the Senate took the usual daily recess.

AFTERNOON SESSION.

The Senate reassembled at two o'clock P. M.
 President in the chair.
 Roll called.
 Quorum present.

REPORT.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin;

Also, Senate Bill No. 155—An Act to provide for the payment of interpreters in the Courts of justice, in criminal cases, in San Mateo County;

Also, Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco;

Also, Senate Bill No. 293—An Act to amend an Act entitled an Act amendatory of Article four of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and sixty-six, repealing sections thirty-six to sixty four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two;

Also, Senate Bill No. 397—An Act to provide for funding the debt of the Road Fund of Tulare County;

Also, Senate Bill No. 534—An Act granting the privilege to James B. Peek and his assigns to build and erect a wharf at Saucelito, Marin County;

Also, Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream;

Also, Senate Bill No. 387—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco;

Also, substitute for Senate Bill No. 470—An Act to provide for the care and maintenance of indigent insane persons in the State of California;

Also, Senate Bill No. 507—An Act to provide for the payment of the State's portion of the County Auditors' salaries in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda.

Also, Senate Bill No. 523—An Act to amend an Act entitled an Act to provide a fund for the redemption and prescribing the manner of redeeming the outstanding county warrants drawn upon the Treasurer of Tuolumne County; and, further, to provide for the payment of all the expenses of said Tuolumne County in cash, approved February twelfth, eighteen hundred and sixty-three.

Also, Senate Bill No. 541—An Act supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in the

Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 515—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Also, substitute for Senate Bill No. 49—An Act to cede certain property to the Town of Crescent City.

Also, Senate Bill No. 575—An Act requiring the Controller of State to transfer certain funds.

Also, Senate Concurrent Resolution No. 69—Requesting the Governor to return Senate Bill No. 569;

And this day, at ten o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

The rules were suspended, and Mr. Robinson had leave to introduce a bill for an Act to provide for changing the corporate name of the First Congregational Church of the City of Oakland, and ratifying and confirming the acts of its Trustees.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed, and twelfth rule suspended and transmitted to the Assembly.

The Senate resumed consideration of Assembly Bill No. 693, in Committee of the Whole.

IN SENATE.

Amendments of committee concurred in.

Mr. Mandeville moved to strike out "ten thousand" and insert "five thousand," for rent for the State Capitol building.

Messrs. Mandeville, Lawrence and Shaw demanded the ayes and noes. The vote was as follows:

AYES—Messrs. Bradley, Ewer, Hager, Mandeville, Pearce, Pendegast, Roberts, Tweed—8.

NOES—Messrs. Beach, Belden, Chappell, Conly, Curtis, Green, Hardy, Hancock, Hunter, Johnson, Lawrence, Lewis, Maclay, Mizner, Morrill, Murch, Murphy, Perley, Pratt, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth—25.

So the Senate refused.

Mr. Tubbs, Chairman of the Finance Committee, had leave to make the following report:

MR. PRESIDENT: The Finance Committee beg leave to report two bills, to wit: An Act making appropriations for a deficiency in the appropriations for the eighteenth and nineteenth fiscal years, ending the thirtieth day of June, eighteen hundred and sixty-eight; and an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax upon foreign and inland bills, passengers, insurance companies, and other matters, approved April fifteenth, eighteen hundred and sixty-two—and recommend the passage of said bills.

TUBBS, Chairman.

The original bills above introduced were severally read first and second times, and ordered placed on top of the file for to-morrow.

Mr. Manderville moved to postpone the usual time for adjournment until half past five o'clock P. M.

Lost.

The rules were suspended and the following resolution was offered by Mr. Roberts:

Resolved by the Senate, the Assembly concurring herein, That there shall be printed nine hundred and sixty copies of the report of the Joint Committee on Public Grounds and Buildings, together with the testimony accompanying the same; that this order shall take the place and be in lieu of the separate orders made in relation to such printing by the Senate and Assembly, and that said report shall be copied into the Senate Journal Appendix only.

Adopted.

On motion of Mr. Pearce, the rules were suspended and the following bill was taken from the file:

Senate Bill No. 463—An Act to provide for the appointment of phonographic reporters in certain counties in this State.

The rules were again suspended, the bill read a third time and passed, and the twelfth rule was also suspended.

REPORTS.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 582—An Act to confer additional powers on the Board of Supervisors of the County of Mendocino;

And this day, at two o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 406—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-seven.

WADSWORTH, Chairman.

Mr. Hager, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back, and respectfully recommend its passage: Senate Bill No. 584.

HAGER, for Delegation.

Mr. Wadsworth presented a report from the Committee on Contingent Expenses and a resolution authorizing the Controller of State to draw

his warrant for fifty-two dollars and seventy-five cents in favor of the persons therein named.

The resolution was adopted.

The rules were suspended, and Mr. Pendegast had leave to introduce a bill for an Act to authorize the California Pacific Railroad Company to extend its road to Suscol, in Napa County, and receive subscriptions to its capital stock, and other matters relating thereto.

The bill was read first and second times.

Pending further consideration of the bill, the hour of five o'clock p. m. arrived, and, pursuant to an amendment of the Senate standing rules, the Senate adjourned.

EVENING SESSION.

The Senate was called to order at seven o'clock p. m.

The President in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of an Act authorizing the California Central Pacific Railroad to extend its road to Suscol, in Napa County, and to receive subscriptions to its capital stock—interrupted by the recess.

The bill was read first and second times; rules suspended, considered engrossed, read a third time and passed, and twelfth rule suspended and transmitted to the Assembly.

On motion of Mr. Tubbs, the rules were suspended for the consideration of the following bills:

Senate Bill No. 188—An Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish the grades of streets and avenues in certain districts in said city and county.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 226—An Act to provide funds to be applied to building a hospital in the City and County of San Francisco.

Amendments of the committee concurred in, read a third time and passed.

Assembly Bill No. 229—An Act to amend an Act entitled an Act to amend an Act to establish the Industrial School Department in the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six.

Read a third time and passed.

Senate Bill No. 594—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the school department in said city and county.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Curtis the rules were suspended, and Assembly Bill No. 570—An Act supplementary to and amendatory of an Act to protect Agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six—was taken up out of its order, read a third time and passed.

The rules were suspended for the introduction of the following resolution by Mr. Lawrence:

Resolved, That no Senator shall speak more than twice upon any question nor occupy the floor more than five minutes at any one time.

Messrs. Hager, Green and Bradley demanded the ayes and noes on suspending the rules so as to consider the resolution.

The vote was as follows:

AYES—Messrs. Conn, Freeman, Green, Hager, Hardy, Kincaid, Lawrence, Maclay, Mandeville, Morrill, Murch, Perley, Pratt, Robinson, Saunders, Shaw, Tubbs, Wadsworth, Wolcott—19

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Heacock, Hunter, Johnson, Mizner, Pearce, Pendegast, Roberts, Rose, Teegarden, Tweed—16.

¶ Not two thirds voting in the affirmative, the motion was lost.

Mr. Mandeville moved to suspend the rules and take up Senate Bill No. 457—An Act to authorize Lyman Leslie, Paul K. Hubbs and their associates, successors and assigns to build and maintain a wharf at the City of Vallejo, County of Solano.

Messrs. Chappell, Hardy and Pendegast demanded the ayes and noes. The vote was as follows:

AYES—Messrs. Beach, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Heacock, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mandeville, Mizner, Morrill, Murch, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth—28.

NOES—Messrs. Belden, Bradley, Ewer, Hardy, Pearce, Tweed, Wolcott—7.

So the motion prevailed.

The bill was then referred to Mr. Belden.

Mr. Hager had unanimous leave to introduce a bill for an Act amendatory of and supplementary to an Act entitled an Act to establish and maintain an Alms House and Hospital in the City and County of San Francisco.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed; twelfth rule suspended, and ordered transmitted to the Assembly.

On motion of Mr. Johnson, the rules were suspended and Senate Bill No. 508—An Act for the relief of Mrs. E. J. McLean—was taken up, read a third time and passed; twelfth rule suspended and transmitted to Assembly.

On motion of Mr. Pratt, the Senate resumed consideration of Assembly messages.

Mr. Pratt moved to place Assembly Bill No. 390, above reported, on top of file for to-morrow.

Mr. Mizner raised the point of order, that under the standing rules of the Senate it would require a vote of two thirds of the body to make any other disposition of the bill than to refer it to a committee or place it on file, as bills ordinarily are.

The President ruled the point of order well taken, according to his interpretation of the thirteenth standing rule of the Senate.

Mr. Pratt appealed from the decision of the President.

Mr. Pearce raised a point of order, that the decision of the appeal

pending at the close of the evening session of Wednesday was first in order for decision.

Mr. Mandeville withdrew his motion to refer to the Committee of the Whole Senate, concerning which the repeal above referred to was taken.

Mr. Roberts renewed the motion.

Mr. Lawrence raised the point of order, that the motion to place the bill on top of the file for to-morrow was first in order.

The President decided the point of order well taken.

On placing the bill on top of file for to-morrow, the ayes and noes were demanded by Messrs. Lewis, Mandeville and Lawrence.

The roll was called, with the following result :

AYES—Messrs. Chappell, Conly, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, Mandeville, Morrill, Murch, Pendegast, Perley, Pratt, Saunders, Shaw, Teegarden, Tubbs, Wolcott—19.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hardy, Heacock, Hunter, Johnson, Lewis, Mizner, Pearce, Roberts, Robinson, Rose, Tweed, Wadsworth—17.

Mr. Mandeville moved the previous question, which was seconded.

Messrs. Johnson, Beach and Lawrence demanded the ayes and noes on ordering the main question.

The vote was as follows :

AYES—Messrs. Chappell, Conly, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, Mandeville, Morrill, Murch, Pendegast, Perley, Pratt, Saunders, Shaw, Teegarden, Tubbs, Wolcott—19.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Lewis, Mizner, Pearce, Roberts, Robinson, Rose, Tweed, Wadsworth—16.

So the main question was ordered.

On the question, Shall the decision of the Chair stand as the decision of the Senate? Messrs. Johnson, Lewis and Lawrence demanded the ayes and noes.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Lewis, Mizner, Pearce, Roberts, Robinson, Rose, Tweed, Wadsworth—17.

NOES—Messrs. Chappell, Conly, Freeman, Green, Hager, Lawrence, Maclay, Mandeville, Morrill, Murch, Pendegast, Perley, Pratt, Saunders, Shaw, Teegarden, Tubbs, Wolcott—18.

So the decision of the President was not sustained, and the bill was ordered placed on top of the file for to-morrow.

Assembly Bill No. 170, above reported, was read first and second times, rules suspended, the bill was taken up, read third time and passed.

Assembly Bill No. 556, above reported, was read first time.

Objections to a second reading on the same day being made by Mr. Roberts, further action on the bill was suspended.

Mr. Lewis moved to dispense with the further consideration of Assembly messages and take up the special file.

Carried.

SPECIAL FILE.

Senate Bill No. 511—An Act to encourage the early construction of the Southern Pacific Railroad.

Considered in Committee of the Whole, and amended.

IN SENATE.

Mr. Pearce moved to lay the bill on the table.

Messrs. Pearce, Beach and Lawrence demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Conly, Curtis, Ewer, Heacock, Hunter, Johnson, Kincaid, Mandeville, Murch, Pearce, Pendegast, Roberts, Robinson, Saunders, Teegarden, Tubbs, Wadsworth—20.

NOES—Messrs. Bradley, Conn, Freeman, Green, Hardy, Lawrence, Lewis, Maclay, Mizner, Morrill, Perley, Pratt, Rose, Shaw, Tweed, Wolcott—16.

So the motion was carried.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 594—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county.

WADSWORTH, Chairman.

Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California.

Reported amendment adopted, and amended in Committee of the Whole.

IN SENATE.

Mr. Ewer offered the following amendment:

“Provided, the Commissioners herein provided for shall appraise said lands at their true cash value, and this grant shall not take effect or be in force until said railroad companies shall pay over to said Commissioners the amount of said appraisal, the amount so received by said Commissioners to be paid into the State Treasury as other moneys received for similar lands.”

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Lewis, Mizner and Perley.

The vote was as follows:

AYES—Messrs. Bradley, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, Murch, Murphy, Pearce, Pendegast, Roberts, Robinson, Saunders, Wadsworth—16.

NOES—Messrs. Beach, Belden, Chappell, Conly, Conn, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Rose, Shaw, Teegarden, Tubbs, Wolcott—21.

So the amendment was rejected.

Mr. Pearce offered the following amendment: Strike out the word "thirty" and insert in lieu thereof, the word "twenty."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Hunter, Pearce and Pendegast.

The vote was as follows:

AYES—Messrs. Bradley, Hunter, Johnson, Lewis, Mandeville, Murch, Murphy, Pearce, Pendegast, Robinson, Wadsworth—11.

NOES—Messrs. Beach, Belden, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Kincaid, Lawrence, Maclay, Mizner, Morrill, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Teegarden, Tubbs, Wolcott—26.

So the amendment was rejected.

Mr. Heacock offered an amendment, including a concession of thirty acres to the two trans-continental companies proposing to establish and maintain a railroad termini in the City of San Francisco.

The amendment having been further amended, Messrs. Heacock, Pearce and Morrill demanded the ayes and noes on the adoption of the amendment as amended.

The vote was as follows:

AYES—Messrs. Beach, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Lawrence, Maclay, Mizner, Morrill, Murch, Perley, Pratt, Rose, Shaw, Wolcott—20.

NOES—Messrs. Belden, Bradley, Ewer, Hunter, Johnson, Kincaid, Lewis, Mandeville, Murphy, Pearce, Pendegast, Roberts, Robinson, Saunders, Teegarden, Tubbs, Wadsworth—17.

So the amendment was adopted.

Mr. Lewis moved to make the bill the special order for to-morrow at half-past eleven o'clock A. M.

Lost.

Mr. Shaw moved the previous question.

The motion being properly seconded the main question was put, and the bill was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Johnson, Green, and Ewer.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Conn, Curtis, Freeman, Green, Hager, Hardy, Heacock, Hunter, Kincaid, Lawrence, Maclay, Mizner, Morrill, Murch, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—31.

NOES—Messrs. Johnson, Lewis, Mandeville, Pearce—4.

So the bill was passed.

Mr. Lewis moved to amend the title of the bill.

The motion was rejected, and the title retained as stated in the original bill.

On motion of Mr. Curtis, Assembly Bill No. 670—An Act to amend section three of an Act concerning District Court Reporters, approved

March thirteenth, eighteen hundred and sixty-six—was taken from the file, read a third time and passed.

Mr. Conly gave notice of a motion to reconsider the vote whereby the Senate laid on the table Senate Bill No. 511.

At twelve o'clock and forty minutes P. M., on motion of Mr. Green, the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Friday, March 27th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by Rev. I. H. Brayton.

Journal of yesterday read and approved.

The rules were suspended, and on motion of Mr. Belden, Assembly Bill No. 731—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell certain property at private sale—was taken from Assembly messages.

Read first and second times; rules suspended, read a third time and passed.

On motion of Mr. Mandeville, the rules were again suspended, and Assembly Concurrent Resolution No. 63, relative to returning Assembly Bill No. 64 was taken up and concurred in.

The rules were suspended, and Mr. Shaw had leave to present a petition from school teachers of San Francisco in favor of the passage of Senate Bill No. 594.

Laid on the table.

On motion of Mr. Mandeville, the Senate took up Assembly messages.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
March 26th, 1868. }

Mr. PRESIDENT: The Assembly, on Wednesday, March twenty-fifth, eighteen hundred and sixty-eight, passed the following bills, namely:

Senate Bill No. 454—An Act to repeal certain Acts concerning hogs found running at large in Amador County.

Senate Bill No. 487—An Act to authorize the Italian Benevolent Association to change its name.

Senate Bill No. 461—An Act to extend the time within which to complete a wagon road.

Senate Bill No. 516—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo.

Senate Bill No. 510—An Act to authorize John B. Ward and his associates to construct and maintain a wharf in Santa Barbara County.

Senate Bill No. 577—An Act relating to roads in the County of Colusa.

Senate Bill No. 537—An Act to transfer certain moneys to the common School Fund of the County of Siskiyou.

Senate Bill No. 555—An Act to provide a proper hospital for the County of Sacramento.

Senate Bill No. 260—An Act to appropriate money for the purchase of safes for the State Treasurer's office.

Senate Bill No. 162—An Act to provide for choosing electors of President and Vice President of the United States.

Substitute for Senate Bill No. 475—An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-two.

Senate Bill No. 237—An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property.

Senate Bill No. 234—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved March eighteenth, eighteen hundred and sixty-one.

Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Senate Bill No. 490—An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama, and for the collection of taxes therein.

Senate Bill No. 394—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three.

Senate Bill No. 130—An Act to provide for the revision and compilation of the laws of the State of California and the publication thereof.

Senate Bill No. 492—An Act in relation to the duties of the Assessor and Collector of Tuolumne County.

Senate Bill No. 465—An Act to repeal certain Acts incorporating the Town of Columbia, in the County of Tuolumne, and all Acts amendatory thereto.

Senate Bill No. 446—An Act to provide for the collection of delinquent school taxes and legalizing assessment and school elections held in school districts in the County of Marin.

Senate Bill No. 526—An Act to authorize the Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company in said townships, in the year A. D. eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year.

Senate Bill No. 474—An Act to authorize J. B. Ford and his associates to construct and maintain a wharf in Mendocino County.

Senate Bill No. 488—An Act to authorize the Board of Supervisors of the County of Sacramento to audit and allow a certain claim.

Senate Bill No. 483—An Act to amend an Act entitled an Act in relation to roads and Roadmasters in Solano County, approved March twenty-fourth, eighteen hundred and sixty-four.

Also, adopted Senate Concurrent Resolution No. 63—Relative to establishing a mail route from Stockton to Millerton, post offices on said route, etc.

Also, passed Assembly Concurrent Resolution No. 62—Granting leave of absence to J. H. Batchelder.

Also, passed Assembly Bill No. 556—An Act for the relief of Samuel J. Garrison and L. P. Hall.

Also, receded from its proposed substitute and amendments to Senate Bill No. 2.

J. R. BEARD,

Assistant Clerk.

ASSEMBLY CHAMBER,

March 26th, 1868. }

MR. PRESIDENT: The Assembly has duly passed the following bills, viz: Assembly Bill No. 179—Concerning roads and highways in the County of Mendocino.

Substitute for Assembly Bill No. 104—An Act more clearly to define the boundaries of the County of San Diego, and to amend an Act entitled an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

Assembly Bill No. 723—An Act to provide for a drainage district in the County of Yolo.

Assembly Bill No. 615—An Act to authorize the establishment of a steam ferry between Collinsville, in Solano County and New York Landing and Antioch, in Contra Costa County.

Assembly Bill No. 671—An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Joseph S. Manassa, Marcus Schiller, David B. Hoffman, their associates and assigns.

Assembly Bill No. 748—An Act appointing Commissioners to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley.

Also, concurred in Senate Concurrent Resolution No. 68—Granting leave of absence to A. L. Fuller, County Superintendent of Public Schools in Alameda County.

Also, it has rejected Senate Bill No. 422—An Act to authorize the guardian of certain minors to sell or mortgage their real estate.

J. R. BEARD,

Assistant Clerk.

ASSEMBLY CHAMBER,

March 25th, 1868. }

MR. PRESIDENT: The Assembly, by unanimous consent, passed Senate Bill No. 582—An Act to confer additional powers on the Board of Supervisors of Mendocino County.

J. A. EAGAN,

Chief Clerk.

ASSEMBLY CHAMBER,

March 26th, 1868. }

Mr. PRESIDENT: The Assembly this day ordered Senate Bill No. 406 returned to the Senate for engrossment.

J. R. BEARD.

Assistant Clerk.

ASSEMBLY CHAMBER,

March 26th, 1868. }

Mr. PRESIDENT: The Assembly this day passed Senate Bill No. 199—An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four, with amendments.

Also, Assembly Bill No. 618—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 488—An Act to amend an Act entitled an Act to authorize guardians of minors, idiots and lunatics to receive and remove from this State any property to which said ward may be entitled, approved March thirteenth, eighteen hundred and fifty-eight.

Also, Assembly Bill No. 701—An Act to authorize the Supervisors of Colusa County to transfer money from one fund to another.

Also, Assembly Bill No. 668—An Act to authorize and empower E. P. Figg and C. C. Hayden, or their assigns, to construct and maintain dams, booms and piers, on Eel River, in Humboldt County, and to remove all obstructions in the channel of said river, or in any of the sloughs running into said river, which may interfere with logging or lumbering on the same.

Also, Assembly Bill No. 673—An Act to confer further powers upon the Board of Trustees of the Town of Eureka.

Also, Assembly Bill No. 656—An Act to provide against the failure of testimony in certain cases.

Also, Assembly Bill No. 669—An Act providing for levying and collecting tax for school purposes in the County of Santa Cruz.

Also, substitute for Assembly Bill No. 382—An Act amendatory of and supplementary to an Act entitled an Act to create the County of Lassen, to define its boundaries and provide for its organization, approved A. D. eighteen hundred and sixty-four.

Also, Assembly Bill No. 675—An Act authorizing the construction of a wharf in the Bay of San Diego, in the County of San Diego, by Louis Rose, his associates and assigns.

Also, substitute for Assembly Bill No. 739—An Act to provide for the disposition of the foreign miners' license tax in the Counties of Klamath and Del Norte, donated to the several counties of this State.

Also, Assembly Bill No. 456—An Act granting to the Market Street Railroad Company of San Francisco certain rights therein named.

Also, Assembly Bill No. 578—An Act to authorize certain parties to construct a wharf in the County of Solano.

Also, Assembly Bill No. 744—An Act to provide for the improvement of the Stanislaus River.

Also, Assembly Bill No. 696—An Act to create a Bridge Fund in the County of Placer and to authorize the levy of a tax therefor.

Also, Assembly Bill No. 586—An Act to amend an Act entitled an Act

to regulate fees of certain officers in Amador County, approved April sixth, eighteen hundred and fifty-nine.

Also, Assembly Bill No. 699—An Act granting leave of absence to Francis A. S. Jones, Recorder and Auditor of Alpine County, California.

Also, Assembly Bill No. 409—An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty.

Also, Assembly Bill No. 672—An Act supplementary to an Act entitled an Act to provide for the government of the County of San Diego, approved March thirteenth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 754—An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. A. Pierce.

Also, substitute for Assembly Bill No. 622—Act for the relief of Rebecca C. Hoagland.

Also, Assembly Bill No. 485—An Act amendatory of and supplemental to an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine; and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 689—An Act concerning Roadmasters in the County of Stanislaus.

Also, Assembly Bill No. 718—An Act to extend the time of commencing the construction of the Stockton and Copperopolis Railroad; also that of the Stanislaus and Mariposa Railroad.

Also, Assembly Bill No. 684—An Act to authorize the construction of a wharf in the City of Petaluma.

Also, indefinitely postponed Senate Bill No. 386 (substitute for Senate Bills Nos. 24, 156 and 209)—An Act to appropriate money to pay the outstanding Indian War bonds of the State of California issued since January, eighteen hundred and fifty-four, under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Also, passed Assembly Joint Memorial No. 1, concerning the payment of damages by the United States done by Indians in eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three, in the Counties of Humboldt, Klamath, Trinity, Del Norte, etc.

Also, Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER. }
March 26th, 1868. }

MR. PRESIDENT: The Assembly this day passed Assembly Bill No. 624—An Act to amend an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 27th, 1868. }

MR. PRESIDENT: The Assembly this day concurred in some of the Senate amendments to Assembly Bill No. 693—An Act making appropriations for the support of the civil government of this State, and refused to concur in others, and have appointed as a Committee of Reference, Messrs. Angney, Frisbie and Canavan.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 26th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed Assembly Bill No. 765—An Act concerning the revenue and revenue officers of the County of Sacramento.

Also, substitute for Senate Bill No. 382—An Act to authorize the construction of a tramroad in the County of Santa Clara.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 27th, 1868. }

MR. PRESIDENT: The Assembly has duly passed the following entitled bills:

Substitute Assembly Bill No. 599—An Act to provide for the construction and use of a canal in Islais Creek

Assembly Bill No. 767—An Act to establish a morgue for the City and County of San Francisco.

Assembly Bill No. 647—An Act to exempt certain property therein named from execution.

Assembly Bill No. 736—An Act to authorize the construction of a wharf at Vallejo, Solano County.

Assembly Bill No. 731—An Act to authorize Bridget Stannah, administratrix of estate of William Stannah, deceased, to sell certain property at private sale.

Assembly Bill No. 655—An Act to provide for the appointment of a Bank Commissioner, and to prescribe his powers and duties.

Assembly Bill No. 775—An Act to legalize the assessment of all taxes on all property, both real and personal, in the City of Placerville for the year eighteen hundred and sixty-six, now delinquent.

Assembly Bill No. 727—An Act for the relief of C. D. Lyman.

Also, Senate Bills, as follows:

Senate Bill No. 36—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juana Castro, deceased, to sell certain real estate of said infant heirs.

Senate Bill No. 435—An Act to authorize William Bihler to construct a wharf on Petaluma Creek.

Substitute for Senate Bill No. 316—An Act to provide for the collection of the revenue in and for the County of Napa, with amendments.

Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven, with amendments.

Senate Bill No. 519—An Act authorizing Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof.

Senate Bill No. 593—An Act to authorize the California Pacific Railroad Company to extend its road to Suscol, in Napa County, and receive subscriptions to its capital stock, and other matters relating thereto.

Senate Bill No. 597—An Act amendatory of and supplementary to an Act to establish and maintain an Alms House and Hospital in the City and County of San Francisco.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 27th, 1868. }

Mr. PRESIDENT: The Assembly have this day passed Senate Bill No. 588—An Act further to provide for the ratification and confirmation of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same.

Assembly Bill No. 777—An Act to fix the rate of taxation for State purposes.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 27th, 1868. }

Mr. PRESIDENT: The Assembly yesterday passed Senate Bill No. 485—An Act for the relief of Anna Lee.

Also, Senate Bill No. 67—An Act for the relief of H. B. Underhill.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in Assembly amendments to Senate Bill No. 398, above reported.

The Senate refused to recede from its amendments to Assembly Bill No. 693, above reported.

Mr. Beach offered the following resolution:

Resolved, That Messrs. Tubbs, Ewer and Shaw be appointed a Committee of Conference on the disagreeing votes of the two houses on Senate amendments to Assembly Bill No. 693—An Act making appropriations for the support of the civil government of the State of California for the twentieth and twenty-first fiscal years, commencing July first, eighteen hundred and sixty-eight, and ending June thirtieth, eighteen hundred and seventy.

Adopted.

Substitute for Senate Bill No. 382, above reported, was adopted.

Senate Bill No. 276, above reported, was returned from the Assembly with amendments.

On concurring in the amendment to section two, Messrs. Beach, Tubbs and Shaw demanded the ayes and noes, with the following result:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders—17.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

MESSRS. Green, Heacock and Tubbs demanded the ayes and noes on concurring in the second amendment, with the following result:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders—17.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—18.

The bill was then returned to the Assembly with a request that it recede from its amendments.

Assembly Bill No. 543, above reported, was returned to Assembly message.

The hour of twelve o'clock M. having arrived, the time fixed for the consideration of the general file, on motion of Mr. Mizner, its consideration was temporarily postponed.

Assembly Bill No. 280, above reported, was read first and second times; rules suspended, and considered in Committee of the Whole.

IN SENATE.

Mr. Belden offered the following amendment:

Amend section three by striking out all after the word "furnished," in line six.

MESSRS. Belden, Beach and Bradley demanded the ayes and noes on the adoption of the amendment.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Conly, Ewer, Pearce, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—14.

NOES—Messrs. Curtis, Freeman, Green, Hager, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Mizner, Morrill, Murch, Murphy, Perley, Pratt, Rose, Saunders—20.

So the amendment was rejected.

Mr. Pearce offered the following amendment: Add after the word "incumbrances," in line seven, section three, the words "except liens for taxes."

Lost.

The bill having been read a third time, Messrs. Belden, Bradley and Green demanded the ayes and noes on its passage.

The vote was as follows:

AYES—Messrs. Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Maclay, Mandeville, Mizner, Morrill, Murch, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Shaw, Wadsworth—24.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Pearce, Teegarden, Tweed, Wolcott—9.

So the bill was passed.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 475—An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-eight;

Also, Senate Bill No. 474—An Act to authorize J. B. Ford and his associates to construct and maintain a wharf in Mendocino County;

Also, Senate Bill No. 487—An Act to authorize the Italian Mutual Benevolent Association to change its name;

Also, Senate Bill No. 488—An Act to authorize the Board of Supervisors of the County of Sacramento to audit and settle a certain claim;

Also, Senate Bill No. 492—An Act in relation to the duties of the Assessor and Collector of Tuolumne County.

Also, Senate Bill No. 393—An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suscol, in the County of Napa;

Also, Senate Bill No. 526—An Act to authorize the Township Assessors of the Townships of White Oak and Mud Spring, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company, in said townships, in the year eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year;

Also, Senate Bill No. 440—An Act to incorporate the City of Petaluma;

Also, Senate Bill No. 483—An Act to amend an Act entitled an Act in relation to roads and road matters in Solano County, approved March twenty-fourth, eighteen hundred and sixty-four;

Also, Senate Bill No. 414—An Act to incorporate the Town of Redwood City;

Also, Senate Bill No. 446—An Act to provide for the collection of delinquent poll taxes and legalizing assessments and school elections held in school districts in the County of Marin;

Also, Senate Bill No. 366—An Act to provide for the payment of Mrs. E. Wright's salary, due her as teacher in Jefferson School District, No. 1, in San Mateo County;

Also, Senate Bill No. 339—An Act to authorize the establishment of a Board of Health in the City of Sacramento.

And this day, at eleven o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Messrs. Roberts and Rose severally gave notice that on to-morrow they would move to reconsider the vote whereby Assembly Bill No. 280 was passed.

CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Assembly Bill No. 179, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 362, above reported, was read first and second times; rules suspended, read a third time passed.

Assembly Bill No. 765, above reported, was read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 743, above reported, was read first and second times. Pending further action thereon the Senate took the usual daily recess.

AFTERNOON SESSION.

The Senate reassembled at two o'clock P. M.

President in the chair.

Roll called.

Quorum present.

Mr. Johnson verbally reported back recommending the passage of Assembly Bill No. 304—An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four.

On motion of Mr. Johnson, the rules were suspended, and the above reported bill was taken up, read a third time and passed.

On motion of Mr. Maclay, the rules were suspended, and Assembly Bill No. 557—An Act entitled an Act to amend an Act supplemental to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco—was taken from the general file, read a third time and passed.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }
March 27th, 1868. }

MR. PRESIDENT: The Assembly duly passed the following entitled bills upon the dates thereon indorsed, viz :

Assembly Bill No. 753—An Act granting certain parties the right to build a wharf in the County of Alameda.

Assembly Bill No. 716—An Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia Railroad Company, and provide for the payment thereof.

Assembly Bill No. 750—An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three, and to make said Act applicable to the County of Lassen.

Assembly Bill No. 720—An Act to increase the number of Notaries Public for Mendocino County.

Substitute for Assembly Bill No. 467—An Act for the protection of laurel and other valuable cabinet and shipbuilding woods growing upon the public domain within this State, etc.

Assembly Bill No. 770—An Act to amend an Act entitled an Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin, passed March fourteenth, eighteen hundred and sixty-eight.

Assembly Bill No. 531—An Act to encourage the manufacture of steel in this State.

Assembly Bill No. 602—An Act to repeal an Act to provide for the election of Supervisors of certain counties in this State, approved April fourth, eighteen hundred and sixty-four.

Assembly Bill No. 688—An Act authorizing R. D. Hopkins and others to construct a wharf at the City of Vallejo, in the County of Solano.

Assembly Bill No. 691—An Act to authorize the Controller to credit J. Hop Woods, County Treasurer of Colusa County, with one hundred and eighteen dollars, poll tax receipts.

Assembly Bill No. 287—An Act to amend section eighteen of an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six.

Assembly Bill No. 747—An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited

Assembly Bill No. 544—An Act to re-district the County of Monterey and to provide for the election of Supervisors.

Substitute for Assembly Bill No. 309—An Act to repeal an Act amendatory and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two.

Substitute for Assembly Bill No. 513—An Act to provide for the improvement of the rivers and streams, and to provide penalties for obstructing their channels.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER.
March 27th, 1868. }

Mr. PRESIDENT: The Assembly on the twenty-third instant passed Assembly Bill No. 725—An Act to authorize the Central Railroad Company, of San Francisco, to construct a railroad within the City and County of San Francisco, and to grant certain privileges therein named.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Assembly Bill No. 91, above reported, was read first and second times, rules suspended and considered in Committee of the Whole.

IN SENATE.

Mr. Mandeville offered the following amendment: In last line, strike out "thirty" and insert "twenty."

Messrs. Roberts, Mandeville and Johnson demanded the ayes and noes on the adoption of the amendment.

The vote was as follows:

AYES—Messrs. Bradley, Curtis, Hunter, Johnson, Mandeville, Pearce, Roberts, Tweed—8.

NOES—Messrs. Beach, Belden, Chappell, Conly, Conn. Ewer, Green, Hager, Hardy, Heacock, Lawrence, Lewis, Maclay, Mizner, Morrill, Murch, Murphy, Perley, Pratt, Robinson, Rose, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—26.

So the amendment was rejected.

The bill was further considered in Committee of the Whole.

IN SENATE.

Mr. Pearce offered the following amendment: Strike out all that portion of the bill relating to the charge of tonnage by measurement.

Messrs. Tweed, Pearce and Hardy demanded the ayes and noes on the adoption of the amendment.

The vote was as follows:

AYES—Messrs. Bradley, Conly, Curtis, Ewer, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, Pearce, Pendegast, Roberts, Robinson, Rose, Saunders, Tweed, Wolcott—19

NOES—Messrs. Belden, Conn, Green, Hardy, Heacock, Maclay, Mizner, Morrill, Murch, Perley, Pratt, Teegarden, Tubbs, Wadsworth—14.

So the amendment was adopted.

The bill was further considered in Committee of the Whole.

IN SENATE.

The Senate concurred in the amendments made in Committee of the Whole.

The bill having been read a third time, Messrs. Mizner, Hunter and Roberts demanded the ayes and noes on its passage.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Conly, Ewer, Green, Hager, Hardy, Hunter, Johnson, Kincaid, Lawrence, Lewis, Mandeville, Mizner, Murphy, Pearce, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Tweed, Wolcott—25.

NOES—Messrs. Conn, Curtis, Freeman, Heacock, Maclay, Morrill, Murch, Pratt, Shaw, Teegarden, Tubbs, Wadsworth—12.

So the bill was passed.

Messrs. Mizner and Mandeville gave notice of a motion to reconsider the above vote, the consideration of which was interrupted by the recess.

Assembly Bill No. 743 was taken up, read a third time and passed.

Assembly Bill No. 263, above reported, was read first and second times and laid on the table.

Assembly Bill No. 741, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 718, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 737, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 588, above reported, was read first and second times, and referred to the Committee on Commerce and Navigation, with instructions to report the same back at four o'clock P. M.

Assembly Bill No. 545, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 725, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 645, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 569, above reported, was read first and second times and referred to the San Francisco delegation.

The Senate concurred in Assembly amendments to Senate Bill No. 309, above reported.

Assembly Bill No. 105, above reported, was read first and second times and placed number seventy on the general file.

Assembly Bill No. 702, above reported, was read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 506, above reported, was read first and second times and referred to the Committee on Claims.

Assembly Bill No. 714, above reported, was read first and second times and placed on the special file.

Mr. Curtis verbally reported, recommending the passage of Assembly Bill No. 702, above reported.

On motion of Mr. Curtis, the above reported bill was taken up, rules suspended, read a third time and passed.

Assembly Bill No. 674, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 777, above reported, was read first and second times and referred to the Finance Committee.

Assembly Bill No. 767, above reported, was read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 723, above reported, was read first and second times and referred to the Yolo delegation.

Assembly Bill No. 748, above reported, was read first and second times and referred to the Solano delegation.

Assembly Bill No. 599, above reported, was read first and second times and referred to the ——— delegation.

Assembly Bill No. 753, above reported, was read first and second times and referred to the ——— delegation.

Assembly Bill No. 716, above reported, was read first and second times and referred to the Plumas delegation.

Assembly Bill No. 467, above reported, was read first and second times and referred to the Committee on Public Lands.

Assembly Bill No. 750, above reported, was read first and second times and placed on file.

Assembly Bill No. 770, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 720, above reported, was read first and second times; rules suspended, read a third time and passed.

Mr. Mizner verbally reported, recommending the passage of Assembly Bill No. 748, above reported.

On motion of Mr. Mizner, the rules were suspended and the above reported bill was taken up.

The rules were again suspended, the bill read a third time and passed. Assembly Bill No. 531, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 730, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 688, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 602, above reported, was read first and second times and referred to the Judiciary Committee.

Mr. Mizner verbally reported back, with an amendment, Assembly Bill No. 588, above referred to, without recommendation.

The bill was taken up, under a suspension of the rules; reported amendment adopted, and further amended.

Messrs. Roberts, Pearce and Heacock demanded the ayes and noes on the passage of the bill.

The vote was as follows:

AYES—Messrs. Chappell, Conly, Green, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murch, Murphy, Pendegast, Perley, Rose, Saunders, Teegarden, Wadsworth—20.

NOES—Messrs. Bradley, Conn, Hardy, Pearce, Pratt, Roberts, Tubbs, Tweed, Wolcott—9.

So the bill passed.

Mr. Robinson verbally reported, with amendments, recommending the passage of Assembly Bill No. 753, above referred to.

On motion of Mr. Robinson, the rules were suspended and the above reported bill was taken up; reported amendments adopted, read a third time and passed.

The Senate concurred in Assembly amendments to Senate Bill No. 316, above reported.

Assembly Bill No. 691, above reported, was read first and second times; rules suspended, read a third time and passed.

Mr. Beach offered the following resolution:

Resolved, That Messrs. Heacock, Tubbs and Saunders be appointed a Committee of Free Conference on the disagreeing votes of the two houses on Assembly amendments to Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Adopted.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
March 27th, 1868. }

MR. PRESIDENT: The Assembly this day has had returned from the Governor, at the request of the House, Assembly Bill No. 254—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said county—in order that a correction may be made therein, by striking out the words, "in each block," and ask the consent of the Senate thereto, in order that it may receive his signature.

J. R. BEARD,
Assistant Clerk.

The above reported amendment was concurred in.

Mr. Belden verbally reported recommending the passage, with amendments, of Assembly Bill No. 457, above reported.

On motion of Mr. Belden the rules were suspended, and the above reported bill was taken up, reported amendments adopted, read a third time and passed.

Mr. Pearce, from the Sonoma delegation, had leave to make the following report:

MR. PRESIDENT: Your Committee, to whom was referred Assembly Bill No. 584—An Act to establish a Board of Commissioners for the former Pueblo of Sonoma—have considered the same and report the bill back without amendment, and recommend the passage of the same

PEARCE, for Delegation.

On motion of Mr. Pearce, the rules were suspended, and Assembly Bill No. 584, above reported, was taken up, read a third time and passed.

Mr. Pearce, from the Sonoma delegation, had leave to make the following report:

MR. PRESIDENT: Your Committee to whom was referred Assembly Bill No. 660—An Act ratifying a certain ordinance of the City of Petaluma—have considered the same and report it back without recommendation.

PEARCE, for Delegation.

Assembly Bill No. 647, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 736, above reported, was read first and second times; rules suspended, read a third time and passed.

On motion of Mr. Belden, the rules were suspended and Senate Bill No. 273—An Act to provide a law library for the Supreme Court—was taken from the general file.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Shaw had leave to make the following report:

MR. PRESIDENT: The Joint Committee on Revenue herewith report back Senate Bills Nos. 216, 408, 345, 64, 49, 149, 217, 364, 292 and 311, concerning revenue matters, without recommendation.

SHAW, for Committee.

On motion of Mr. Lawrence, the rules were suspended and Senate Bill No. 292, above reported, was taken up.

Rules suspended, bill considered engrossed, read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
March 27th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, under a suspension of all the rules, passed Assembly Bill No. 778—An Act to appropriate money to pay the contingent expenses of the Legislature.

J. A. EAGAN,
Chief Clerk.

Assembly Bill No. 778, above reported, was read first and second times; rules suspended, read a third time and passed.

On motion of Mr. Shaw, the rules were suspended and Senate Bill No. 595—An Act making an appropriation for a deficiency in the appropri-

ations for the eighteenth and nineteenth fiscal years, ending the thirtieth day of June, eighteen hundred and sixty-eight—was taken from the file, amended, read a third time and passed.

At five o'clock p. m., on motion of Mr. Mizner, the Senate agreed to prolong the session for half an hour.

Mr. Mizner verbally reported recommending the passage of Assembly Bill No. 723, above referred to.

On motion of Mr. Mizner, the rules were suspended and the bill last referred to was taken up, read a third time and passed.

Mr. Wolcott gave notice that on to-morrow he would move a reconsideration of the vote whereby the Senate passed Senate Bill No. 273.

Assembly Bill No. 334, above reported, was read first and second times; rules suspended read a third time and passed.

Mr. Green, from the Contra Costa delegation, had leave to make the following report:

MR. PRESIDENT: Your Committee to whom was referred Assembly Bill No. 196 (substitute for Assembly Bill No. 175)—An Act to authorize the construction of a wagon road from Lafayette, in the County of Contra Costa, to the boundary line of Alameda County, and to collect toll thereon—have had the bill under consideration and report it back without recommendation.

GREEN, for Delegation.

Mr. Green, from the Contra Costa delegation, had leave to make the following report:

MR. PRESIDENT: Your Committee, to whom was referred Senate Bill No. 135—An Act for the relief of purchasers of swamp and overflowed, salt marsh and tide lands;

Also, Senate Bill No. 255—An Act amendatory of and supplemental to an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three;

Have had the same under consideration and report them back without recommendation.

GREEN, for Committee.

Assembly Bill No. 744, above reported, was read first and second times; rules suspended, read a third time and passed.

Mr. Robinson verbally reported, without recommendation, Assembly Bill No. 627, above reported.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
March 27th, 1868. }

MR. PRESIDENT: The Assembly on this day passed Assembly Concurrent Resolution No. 60, relative to the Pious Fund of California.

Also, Assembly Concurrent Resolution No. 58, relating to the investment of the Agricultural College Fund.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER.
March 27th, 1868. }

MR. PRESIDENT: The Assembly on yesterday passed Assembly Bill No. 524—An Act to encourage the production and manufacture of sugar from sugar beet in California.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 27th, 1868. }

MR. PRESIDENT: The Assembly this day refused to recede from their amendments to Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties—and have appointed as a Committee of Conference, Messrs. Connely, Papy and Frisbie.

J. R. BEARD,
Assistant Clerk.

REPORT.

Mr. Hager, from the San Francisco delegation, made the following report, under a suspension of the rules:

MR. PRESIDENT: The San Francisco delegation have had the following bills under consideration, report the same back and respectfully recommend that they be laid upon the table:

Senate Bill No. 164.
Senate Bill No. 95.
Senate Bill No. 574.
Senate Bill No. 283.
Assembly Bill No. 126.
Senate Bill No. 401.
Senate Bill No. 93.
Senate Bill No. 368.
Senate Bill No. 458.
Senate Bill No. 384.
Senate Bill No. 73.
Senate Bill No. 552.

HAGER, for Delegation.

On motion of Mr. Pendegast, at five o'clock and thirty minutes P. M., the Senate adjourned.

EVENING SESSION.

The Senate was called to order at seven o'clock P. M.

Roll called.

Quorum present.

The Senate resumed the consideration of Assembly messages.

Assembly Bill No. 524, above reported, was read first and second times.

The Senate refused to order the bill read a third time by the following vote, the ayes and noes having been demanded by Messrs. Curtis, Heacock and Rose:

AYES—Messrs. Curtis, Green, Hardy, Heacock, Mandeville, Mizner, Morrill, Murch, Saunders, Teegarden—10.

NOES—Messrs. Bradley, Chappell, Conly, Conn, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Pearce, Perley, Robinson, Rose, Shaw, Tubbs, Tweed, Wadsworth, Wolcott—19.

Mr. Robinson gave notice of a motion to reconsider the above vote.

Mr. Shaw moved to suspend the rules and take up Assembly Bill No. 333—An Act to provide for the construction and use of Mission Street Canal, in the City and County of San Francisco.

Messrs. Hager, Pearce and Rose demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conn, Curtis, Freeman, Hardy, Heacock, Lawrence, Mandeville, Mizner, Morrill, Murch, Perley, Shaw, Tubbs, Tweed, Wadsworth—19.

NOES—Messrs. Conly, Ewer, Green, Hager, Hunter, Johnson, Kincaid, Lewis, Maclay, Pearce, Pendegast, Roberts, Robinson, Rose, Saunders, Teegarden, Wolcott—17.

So the Senate refused.

On motion of Mr. Bradley, the rules were suspended and Assembly Bill No. 501—An Act to provide for the transfer of certain funds in the County of Placer—was taken from the file, read a third time and passed.

On motion of Mr. Hardy, the rules were suspended and an Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals and herds of hogs in the Counties of Tuolumne and Calaveras, was taken from the file, read a third time and passed.

On motion of Mr. Green, the rules were suspended and Assembly Bill No. 366—An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County—was taken from the file, read a third time and passed.

On motion of Mr. Curtis, the vote whereby the Senate passed Assembly Bill No. 753, was reconsidered.

The bill was then amended, read a third time and passed.

The President pro tem. (Mr. Mizner) in the chair.

The Chair declared Assembly messages to be the next order of business.

Mr. Pendegast raised the point of order, that, under a resolution recently adopted by the Senate, the special file was the regular order of business, and that nothing could take precedence of it.

The Chair ruled that Assembly messages was a privileged question and overruled the point of order.

Mr. Pendegast appealed, and the decision of the Chair was sustained.

CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Assembly Bill No. 671, above reported, was read first and second times and laid on the table.

Assembly Bill No. 672, above reported, was read first and second times and placed on file.

Assembly Bill No. 104, above reported, was read first and second times and placed on file.

Assembly Bill No. 689, above reported, was read first and second times and placed on file.

Assembly Bill No. 701, above reported, was read first and second times ; rules suspended, read a third time and passed.

Assembly Bill No. 684, above reported, was read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 24, above reported, was read first and second times. The Senate refused to order the bill read a third time.

Assembly Bill No. 671, above reported, was read first and second times and laid on the table.

Assembly Bill No. 672, above reported, was read first and second times and placed on file.

Assembly Bill No. 104, above reported, was read first and second times and placed on file.

Assembly Bill No. 689, above reported, was read first and second times and placed on file.

Assembly Bill No. 586, above reported, was read first and second times and placed on file.

Assembly Bill No. 696, above reported, was read first and second times and placed on file.

Assembly Bill No. 456, above reported, was read first and second times and placed on file.

Assembly Bill No. 675, above reported, was read first and second times and placed on file.

Assembly Bill No. 669, above reported, was read first and second times and placed on file.

Assembly Bill No. 673, above reported, was read first and second times and placed on file.

Assembly Bill No. 668, above reported, was read first and second times and placed on file.

Assembly Bill No. 701, above reported, was read first and second times ; rules suspended, read a third time and passed.

Assembly Bill No. 485, above reported, was read first and second times ; rules suspended, read a third time and passed.

Assembly Bill No. 578, above reported, was read first and second times ; rules suspended, read a third time and passed.

Assembly Bill No. 754, above reported, was read first and second times ; rules suspended, read a third time and passed.

Assembly Bill No. 699, above reported, was read first time. Objection being made to its second reading, it laid over one day under the rules.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
March 27th, 1868. }

MR PRESIDENT: The Assembly this day duly passed the following bills, namely :

Assembly Bill No. 776—An Act to appropriate money to pay the outstanding Indian War bonds, issued by the State of California under an Act of the Legislature, etc.

Senate Bill No. 463—An Act to provide for the appointment of photographic reporters in certain counties in this State.

Senate Bill No. 188—An Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of

money to establish the grades of streets and avenues in certain districts in said city and county.

Senate Bill No. 594—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 27th, 1868. }

Mr. PRESIDENT: The Assembly this evening passed Senate Bill No. 592—An Act to provide for changing the corporate name of the First Congregational Church of the City of Oakland, and ratifying and confirming the acts of its Trustees.

Also, passed Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railway Company.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 27th, 1868. }

Mr. PRESIDENT: The Assembly this day passed Senate Bill No. 353—An Act to authorize the sale and conveyance to William Dunphy et al. of certain overflowed lands, and to carry on the business of slaughtering thereon, within the limits of the City and County of San Francisco.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 26th, 1868. }

Mr. PRESIDENT: The Assembly this day passed Assembly Bill No. 773—An Act to amend an Act entitled an Act to amend an Act to incorporate the City of Oakland, etc.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 668, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 448, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 382, above reported, was read first time.

Objections being made to a second reading, the bill was laid over one day, under the rules.

Assembly Joint Resolution No. 1, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 622, above reported was read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 727, above reported, was read first and second times; rules suspended, read a third time and passed.

Senate Bill No. 199, above reported, was read first and second times and laid on the table.

The Senate concurred in Assembly amendments to Senate Bill No. 237, above reported.

Assembly Bill No. 776 was returned to the Assembly for engrossment.

Senate Bill No. 258, above reported, was read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 313, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 306, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 544, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 747, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 287, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Resolution No. 61, above reported, was read first and second times and referred to the Committee on Contingent Expenses.

Assembly Concurrent Resolution No. 58, above reported, was read first and second times and concurred in.

Assembly Bill No. 655, above reported, was read first and second times and placed on file.

FURTHER MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,
March 27th, 1868. }

MR. PRESIDENT: The Assembly has duly passed the following entitled bills:

Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, etc.

Senate Bill No. 362—An Act to amend an Act entitled an Act concerning trade marks and names, etc.

Assembly Bill No. 771—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, etc.

Assembly Bill No. 769—An Act to make certain Acts take effect immediately.

Assembly Bill No. 676—An Act to confer additional powers upon the Board of Trustees of the City of Sacramento.

Assembly Bill No. 637—An Act concerning the foreign miners' license tax in the County of Placer.

Assembly Bill No. 252—An Act to authorize Jane Spencer and Golder Field, administrators of the estate of Daniel L. Spencer, deceased, to sell land belonging to estate.

J. A. EAGAN,
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Assembly Bill No. 655, above reported, was read first and second times and placed on file.

Assembly Bill No. 618, above reported, was read first and second times and placed on file.

Assembly Bill No. 556, above reported, was read first and second times and placed on file.

Assembly Bill No. 775, above reported, was read first and second times; rules suspended, read a third time and passed.

Senate Bill No. 208, above reported, was reported back by the Sonoma delegation, recommending concurrence in Assembly amendment.

Amendment concurred in, read a third time and passed.

Assembly Concurrent Resolution No. 44, above reported, was read first and second times; rules suspended, read a third time and passed.

The Senate refused to concur in Assembly amendments to Senate Bill No. 138, above reported.

REPORTS.

Mr. Ewer verbally reported, recommending the passage of Assembly Bills Nos. 548 and 506—and without recommendation on Senate Bills Nos. 415 and 441.

On motion of Mr. Ewer, Assembly Resolutions Nos. 548 and 506 were taken up; rules suspended, read a third time and passed.

Mr. Tubbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred a number of petitions to the Legislature from the various charitable institutions of this State, beg leave to report them back and recommend that they be laid upon the table.

Also, Senate Bill No. 212—An Act appropriating money for the benefit of St. Joseph's Orphan Asylum, at Sacramento—and recommend it be laid upon the table.

TUBBS, Chairman.

Mr. Belden, Chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, to whom was referred the following bills, respectfully report them back without having considered them, under the resolution of the Senate requiring all bills in the hands of committees to be returned to the Senate this day:

Senate Bill No. 54—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 328—An Act to repeal an Act entitled an Act concerning the official bonds of the officers in and for the County of Santa Barbara, approved April third, eighteen hundred and sixty-six.

Also, Senate Bill No. 265—An Act for the relief of F. Marriott.

Also, Senate Bill No. 207—An Act to amend an Act entitled an Act to ascertain and correct the errors and defects of the statute laws of this State, approved April nineteenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 88—An Act for the relief of certain property holders of San Francisco.

Also, Senate Bill No. 144—An Act to amend the seventy-fourth section of an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty.

Also, Senate Bill No. 45—An Act for the protection of growing fruit.

Also, Senate Bill No. 430—An Act concerning legal advertisements.

Also, Senate Bill No. 158—An Act for the purpose of providing the District Courts of this State with Statutes and Reports.

Also, Senate Bill No. 48—An Act for the security of purchasers at tax sales.

Also, Senate Bill No. 405—An Act supplemental to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.

Also, Senate Bill No. 298—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 18—An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and an Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 429—An Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty.

Also, Senate Bill No. 154—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 443—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-seven.

Also, Senate Bill No. 169—An Act to repeal sections twenty-eight and twenty-nine of an Act entitled an Act to provide for the sale of certain lands belonging to this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 264—An Act relating to adopted children.

Also, Senate Bill No. 160—An Act granting the right to Matt. Tarpey, Benjamin A. Barney, and others, to construct and maintain a bridge across the Pajaro River and collect toll on the same.

Also, Senate Bill No. 419—An Act amendatory of an Act entitled an Act regulating the settlement of the estates of deceased persons.

Also, Senate Bill No. 385—An Act ratifying and confirming grants and sales of land by the Board of Trustees of the Town of Santa Barbara.

Also, Senate Bill No. 423—An Act to provide for the appointment of Deputy Constable.

Also, Senate Bill No. 175—An Act to grant to E. W. Champlin, William Corley, J. H. Steward, and others, the right to construct and maintain a wagon road in San Bernardino County.

Also, Senate Bill No. 341—An Act for the better protection of the people of this State from loss on account of insurance of property, or funds on deposit or held in trust, or for the purpose of investment, in charge or custody of any individual company or corporation doing business in this State.

Also, Senate Bill No. 44—An Act to amend the Act passed April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Also, Senate Bill No. 87—An Act concerning county officers.

Also, Assembly Bill No. 209 (substitute for Assembly Bills Nos. 14, 40, 90, 123, 125, 185 and 187)—An Act to amend sections one hundred and sixty-five, one hundred and eighty-nine, two hundred and three, two hundred and sixty-four, two hundred and sixty-five, four hundred

and forty-eight, five hundred and forty-three, five hundred and eighty-two, and six hundred and twenty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts.

Also, Assembly Bill No. 22—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty one, approved April twenty-second, eighteen hundred and fifty-eight.

Also, Assembly Bill No. 442—An Act amendatory of and supplementary to an Act concerning offices, approved April twenty-second, eighteen hundred and sixty three, and the various Acts supplementary to and amendatory thereof.

Also, substitute for Assembly Bill No. 328—An Act to amend section forty-six of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Assembly Bill No. 96 (substitute for Assembly Bill No. 28)—An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

Also, Assembly Bill No. 60—An Act to restrict the herding of sheep and goats in the County of San Diego.

Also, substitute for Assembly Bill No. 376—An Act to amend sections one, five and eight of an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No. 27—An Act fixing the salary of the County Judge of Santa Clara County.

Also, Assembly Bill No. 269—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 581—An Act to amend section two hundred and five of an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Assembly Bill No. 206 (substitute for Assembly Bill No. 184)—An Act to provide for the issuance of duplicates of Controller's and other warrants when the originals have been lost or destroyed.

Also, Assembly Bill No. 240—An Act granting to certain parties the right to construct a turnpike and gravel road within the County of San Joaquin.

Also, Assembly Bill No. 77—An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, entitled an Act to amend an Act entitled an Act for the protection of game.

Also, Assembly Bill No. 232—An Act to amend section three hundred and thirty-seven of the Civil Practice Act, in relation to the mode of making appeals.

Also, substitute for Assembly Bill No. 638—An Act to confirm a certain conveyance of lands situated in the Pueblo (now City) of San Diego.

Also, Assembly Bill No. 244—An Act supplemental to an Act to authorize married women to execute powers of attorney, approved April fifteenth, eighteen hundred sixty-three.

Also, Assembly Bill No. 42—An Act regulating fees for the Probate Court of San Joaquin County.

Also, Assembly Bill No. 458—An Act to reduce the indebtedness of the County of Mariposa.

Also, Assembly Bill No. 112—An Act for the protection of grain fields and vineyards in Sonoma County.

Also, Assembly Bill No. 204—An Act to amend an Act, approved April twentieth, eighteen hundred and sixty-three, entitled an Act concerning the Courts of justice of this State and judicial officers.

Also, Senate Bill No. 479—An Act to provide for the collection of certain moneys due this State.

Also, Senate Bill No. 486—An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco.

Also, Senate Bill No. 499—An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of the City of Los Angeles, April twenty-ninth, eighteen hundred and sixty-four, entitled an ordinance to provide for the payment of the construction of a new zanja, and the conveyance pursuant thereto.

Also, Senate Bill No. 556—An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 359—An Act to provide for the adoption of minor children.

Also, Senate Bill No. 196—An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 554—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Also, Senate Bill No. 195—An Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty.

Also, Senate Bill No. 350—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and of the Acts amendatory thereof, and supplementary thereto.

Also, Senate Bill No. 381—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Also, Senate Bill No. 313—An Act amendatory of an Act entitled an Act defining the time for commencing civil actions, approved April twenty-second, eighteen hundred and fifty.

Also, Senate Bill No. 2—An Act explanatory of and supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Also, Senate Bill No. 540—An Act to authorize John Hoagland to sue the City of Sacramento.

Also, Senate Bill No. 74—An Act to repeal an Act entitled an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union.

Also, Senate Bill No. 190—An Act for the relief of the sureties on the bond of Allan Hall.

Also, Senate Bill No. 437, proposed amendments to the Constitution.

Also, Senate Joint Resolution No. 29, in opposition to conferring the elective franchise on Negroes and Chinese.

Also, Senate Concurrent Resolution No. 36, proposed amendments to

Article eleven, section thirteen, of the Constitution of the State of California.

Also, Senate Concurrent Resolution No. 303, proposed amendments to the Constitution.

Also, Senate Concurrent Resolution No. 10, proposed amendments to the Constitution.

Also, Senate Concurrent Resolution No. 18, proposed amendments to the Constitution of the State of California.

Also, Senate Bill No. 346, proposed amendments to the Constitution.

Also, Assembly Concurrent Resolution No. 46, relative to instructing the Senators and requesting the Representatives of the State to procure the passage of a law to prevent the employment of persons who do not speak the English language on board any vessel of the United States propelled by steam.

Also, Senate Concurrent Resolution No. 26, relative to asking a change in the laws giving five years in which to appeal from the decisions of the United States Circuit Court to the Supreme Court, in cases involving title to Spanish or Mexican grants

Also, Assembly Bill No. 663—An Act to authorize the execution of certain conveyances to S. W. Stow.

Also, Assembly Bill No. 616—An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

Also, Assembly Bill No. 602—An Act to repeal an Act to provide for the election of Supervisors of certain counties in this State, approved April fourth, eighteen hundred and sixty-four.

BELDEN, Chairman.

Mr. Lewis moved to lay all bills reported by the Judiciary Committee on the table.

Carried.

Mr. Wolcott verbally reported Assembly Bill No. 467, recommending that it be laid on the table.

Mr. Mizner, Chairman of the Committee on Commerce and Navigation, reported as follows:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 237—An Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island and Benicia—have had the same under consideration, and report it back and recommend that it do not pass.

MIZNER, Chairman,
PRATT,
GREEN.

And the undersigned, minority of said committee, now come and say that they advise that said bill do pass.

SHAW,
SAUNDERS.

Mr. Mizner verbally reported, with an amendment, recommending the passage of Assembly Bill No. 531, above referred to.

Reported amendments adopted, rules suspended, bill read a third time and passed.

Mr. Roberts, Chairman of the Committee on Federal Relations, made the following report :

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 49, and also a memorial from the Anti-Coolie Association of California, respectfully report the same back without recommendation.

Also, Senate Concurrent Resolution No. 52, and report the same back and recommend its passage.

Also, substitute for Assembly Bill No. 705, and recommend that it be indefinitely postponed.

ROBERTS, Chairman.

Mr. Teegarden, Chairman of the Committee on Hospitals, made the following report :

MR. PRESIDENT; Your Committee on Hospitals have reported back all business referred to them, and have no further report to make on bills.

TEEGARDEN, Chairman.

Mr. Heacock, Chairman of the Committee on State Library, made the following report :

MR. PRESIDENT: The Committee on State Library, to whom was referred Senate Bills Nos. 237 and 300, report the same back, as per order of the Senate heretofore made, and recommend that the same be indefinitely postponed.

HEACOCK, Chairman.

Mr. Wadsworth, Chairman of the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred Assembly Concurrent Resolution relative to the pay of experts, witnesses and others employed by the Capitol Investigating Committee, have had the same under consideration, report it back and recommend the passage of the same.

WADSWORTH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled Senate Bill No. 588—An Act for the relief of Anna Lee;

Also, Senate Bill No. 485—An Act further to provide for the ratification and confirmation of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same :

And this day, at one o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Curtis, Chairman of the Committee on Public Buildings, made the following report:

MR. PRESIDENT: The Committee on Public Buildings, to whom was referred a communication from the Dashaway Association No. 43, at Santa Cruz, relative to the State Capitol, report the same back and ask that it be laid on the table.

CURTIS, Chairman.

Mr. Curtis, Chairman of the Committee on Public Buildings, made the following report:

MR. PRESIDENT: The Committee on Public Buildings, to whom were referred Senate Bills Nos. 289 and 550, have had the same under consideration, and report them back and recommend that they be indefinitely postponed.

CURTIS, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 217—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 457—An Act to authorize Lyman Lester, Paul K. Hubb, their associates, successors and assigns to build and maintain a wharf at the City of Vallejo, County of Solano.

WADSWORTH, Chairman.

Mr. Mandeville, from the Tuolumne, Mono and Inyo delegations, made the following report:

MR. PRESIDENT: The select committee, consisting of the delegations from Tuolumne, Mono and Inyo Counties, to whom was referred Senate Bill No. 244—An Act to fix the salaries of certain officers of Tuolumne County—beg leave to report the same back, and recommend the indefinite postponement of the same.

MANDEVILLE, for Delegations.

Mr. Hager, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had the following bill under consideration, report the same back and respectfully recommend it be not passed:

Assembly Bill No. 599—An Act to provide for the construction and use of a canal in Islais Creek.

HAGER,
SAUNDERS,
KINCAID,
Majority of Delegation.

Mr. Shaw verbally reported, without recommendation, the above bill.

Mr. Wolcott verbally reported on Senate Bill No. 439, recommending that it be placed on file.

Mr. Murch verbally reported, without recommendation, Assembly Bills Nos. 739 and 550.

Mr. Rose asked and obtained leave to make a report to-morrow.

Mr. Curtis, from the Sacramento delegation, made the following report:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 659, have had the same under consideration, and report the same back with amendment, and recommend its passage as amended.

CURTIS,
HEACOCK,
Sacramento Delegation.

On motion of Mr. Curtis, the rules were suspended and Assembly Bill No. 659, above reported, was taken up, amended, read a third time and passed.

Mr. Conly, from the Plumas delegation, made the following report:

MR. PRESIDENT: The Plumas delegation report back Assembly Bill No. 117, and recommend its indefinite postponement.

Also, Assembly Bill No. 716, and recommend its passage.

CONLY, for Delegation.

On motion of Mr. Conly, the rules were suspended and Senate Bill No. 716, above reported, was taken up, read a third time and passed.

Mr. Teegarden moved to suspend the rules and take up Senate Bill No. 589.

Lost.

Mr. Green moved to suspend the rules and take up Senate Bill No. 489.

Lost.

RESOLUTION.

Mr. Pratt offered the following resolution:

Resolved, That after this night no Senator be allowed to speak more than five minutes at one time, nor more than twice on the same subject; provided, that on Assembly Bill No. 300 no Senator be permitted to speak more than half an hour, without the consent of two thirds of the Senators present.

Adopted.

SPECIAL FILE.

The Senate took up special file.

Senate Bill No. 477—An Act supplementary and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Laid on the table.

Senate Bill No. 404—An Act for the relief of R. M. Folger.

Substitute adopted; rules suspended, bill considered engrossed, read a third time and passed, and twelfth rule suspended.

Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County.

Reported amendments adopted.

Mr. Mizner moved to recommit, with special instructions.

Lost.

The bill having been read a third time, Messrs. Mizner, Heacock and Pearce demanded the ayes and noes on the passage of the bill.

It was passed by the following vote:

AYES—Messrs. Chappell, Conly, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Mizner, Morrill, Murphy, Pearce, Pendegast, Pratt, Robinson, Rose, Saunders—20.

NOES—Messrs. Beach, Bradley, Hardy, Heacock, Murch, Roberts, Teegarden, Tubbs, Tweed, Wadsworth—10.

Mr. Mizner gave notice of a reconsideration of the above vote.

Mr. Pendegast also gave notice of a reconsideration.

Assembly Bill No. 779, above referred to, was taken from Assembly message, read first and second time, rules suspended, read a third time and passed.

Mr. Roberts had leave to withdraw his notice of a reconsideration of the vote whereby the Senate passed Assembly Bill No. 280.

Assembly Bill No. 740, above reported, was taken from Assembly messages, read first and second times, rules suspended, read a third time and passed.

Mr. Rose had leave to withdraw his notice of reconsideration of Assembly Bill No. 280.

Senate Bill No. 452 was taken from the file and laid on the table.

Senate Bill No. 131—An Act to fix the compensation of the District Attorney of the County of Santa Cruz, and to repeal all former Acts in relation thereto.

A motion was made to suspend the rules, consider the bill engrossed, read a third time and passed.

The ayes and noes were demanded by Messrs Murch, Wadsworth and Bradley.

The vote was as follows:

AYES—Messrs. Curtis, Green, Hager, Hardy, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Mizner, Morrill, Murphy, Pendegast, Pratt, Rose, Shaw—17.

NOES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Heacock, Johnson, Murch, Pearce, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—16.

So the bill was passed.

Assembly Bill No. 263 (substitute)—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Morrill, Tubbs and Green.

The vote was as follows :

AYES—Messrs. Beach, Bradley, Chappell, Conley, Curtis, Ewer, Hardy, Heacock, Mizner, Murch, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wolcott—17.

NOES—Messrs. Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—16.

So the bill was passed.

Senate Bill No 442—An Act to confer certain powers upon the Board of State Harbor Commissioners.

Read a third time and passed.

Mr. Hardy moved to adjourn.

The ayes and noes were demanded by Messrs. Green, Mandeville and Rose.

The vote was as follows :

AYES—Messrs. Ewer, Hager, Hardy, Heacock, Hunter, Johnson, Lewis, Perley, Shaw, Tubbs, Tweed—11.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Freeman, Green, Kincaid, Lawrence, Maclay, Mandeville, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Pratt, Roberts, Robinson, Rose, Saunders, Teegarden, Wolcott—25.

So the motion was rejected.

Assembly Bill No. 572—An Act concerning roads in the County of Marin.

Read a third time and passed.

Also, Assembly Bill No. 707—An Act concerning roads and highways in the County of Placer.

Read a third time and passed.

Mr. Hager moved to adjourn.

Lost.

Senate Bill No. 481—An Act to provide for the purchase of philosophical and chemical apparatus for the California State Normal School.

Rules suspended, bill considered engrossed, read a third time and passed.

The rules were suspended, and Mr. Pendegast introduced the following resolution :

Resolved, That the Secretary be directed to call the roll, and each Senator present shall be permitted, when his name is called, to name one bill on the special file, and if no objection be made to the merits thereof it shall be taken up and considered. If objection to the merits be made, the Senator who named the bill shall be permitted to name at least one more if he desires.

Adopted.

In accordance with the foregoing resolution, the roll of the Senate was called and each Senator designated his choice, as follows :

Mr. Beach moved to take up Senate Bill No. 383, but there being objection to its merits, it was passed.

Mr. Belden : Substitute for Assembly Bill No. 597—An Act to provide

for the location, construction and maintenance of public roads in the County of Nevada.

Read a third time and passed.

Mr. Bradley: Assembly Bill No. 598—An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same.

Read a third time and passed.

Mr. Chappell: Senate Bill No. 557—An Act amendatory of and supplemental to an Act entitled an Act to provide for street railroads within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and to an Act entitled an Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, passed April seventeenth, eighteen hundred and sixty-one, and to the several Acts supplementary to and amendatory of said Acts.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Conly: Assembly Bill No. 713—An Act to repeal parts of an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six.

Read third time and passed.

Mr. Curtis: Senate Bill No. 444—An Act to authorize payment for work done in Swamp Land District Number Two.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Ewer: An Act for the relief John H. Gilmore.

Read a third time and passed.

Mr. Freeman: Assembly Bill No. 536—An Act for the relief of certain parties therein named.

Objected to.

Mr. Freeman: Assembly Bill No. 487—An Act granting Francis M. Stone and others certain rights and immunities for fishing purposes, in Tulare County.

Reported amendments adopted, bill read a third time and passed.

Mr. Green: Assembly Bill No. 719—An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six.

Read a third time and passed.

Mr. Hager: Senate Bill No. 388—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Read a third time and passed.

Mr. Hardy: Assembly Bill No. 401—An Act to provide for the improvement of that part of the Carson River situated in Alpine County, and for that purpose granting to the Board of Supervisors of said Alpine County the right to charge and collect tolls for the floating and transportation of wood, saw-logs and lumber down the said portion of Carson River.

Objected to.

Mr. Hardy: Senate Bill No. 535—An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell real estate at private sale.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Lewis: Assembly Bill No. 477 (substitute)—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

Objected to.

Mr. Lewis: Senate Bill No. 560—An Act to amend section eleven of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

On motion of Mr. Lewis, the bill was indefinitely postponed.

Mr. Maclay: Senate Bill No. 491—An Act conferring certain powers upon the Board of Supervisors of the County of Santa Clara.

Substitute adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Mandeville: Assembly Bill No. 92—An Act to establish a Board of Health for the City and County of San Francisco.

Objected to.

Mr. Mandeville: Assembly Bill No. 564—An Act to divide the County of Mono into Supervisor Districts, fixing compensation of the Board of Supervisors, and providing payment for the same, and defining their powers and duties.

Read a third time and passed.

Mr. Mizner: Senate Bill No. 525—An Act granting certain wharf privileges.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Hunter: Senate Bill No. 370—An Act for the relief of Mary Likens and others.

Read a third time and passed.

Mr. Heacock: Assembly Bill No. 593—An Act to supply deficient records in the County Clerk's office in the County of Sacramento.

Read a third time and passed.

Mr. Johnson: Senate Bill No. 452—An Act to fix the salary of Sheriff and other officers in the County of El Dorado, to consolidate certain offices, and to create revenue districts therein.

Substitute recommended and adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Kincaid: Senate Bill No. 513—An Act to authorize John Hayes and Maria Hayes, guardians of William Kisting and Caroline A. Kisting, minors, to sell real estate of said minors at public or private sale.

Rules suspended, bill considered engrossed, read a third time and passed, and twelfth rule suspended.

Mr. Lawrence: Senate Bill No. 544—An Act to compensate A. G. Black for land occupied by him in the Yosemite Valley prior to its cession to the State of California.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Mizner, it was resolved that all bills not having amendments tacked on, be transmitted to the Assembly without being specially engrossed.

Mr. Morrill: Substitute for Assembly Bill No. 189 (substitute for Assembly Bills Nos. 21 and 189)—An Act defining the legal distances

from the county seats of Calaveras, Inyo, Kern, Mendocino and Mono Counties.

Read a third time and passed.

Mr. Ewer gave notice that on to-morrow he would move a reconsideration of the vote whereby the Senate passed Senate Bill No. 544.

Mr. Murch: Assembly Bill No. 201—An Act authorizing the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds of that county for fifty thousand dollars, for the purpose of raising a fund to construct a wagon and turnpike road from some point near Hydesville, in that county, to the southern boundary line of said county, and from near the Town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote on the matter of the issuance of said bonds; to provide for the payment of the interest thereon and principal thereof.

Amendment adopted, and bill read a third time and passed.

Mr. Murphy: Assembly Bill No. 561—An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the State of California, between the City of San Jose and San Bernardino, approved March twentieth, eighteen hundred and sixty six.

Read a third time and passed.

Mr. Pearce: Assembly Bill No. 356—An Act declaring a creek in sections thirty-five and thirty-six, township three south, range three west, Mount Diablo, navigable.

Objected to.

Mr. Pendegast: Assembly Bill No. 648—An Act to authorize James Kenny and his assigns to construct and maintain a chute and landing at Cuffy's Cove, Mendocino County, and to charge and collect tolls for the use of the same.

Read a third time and passed.

Mr. Perley: Senate Bill No. 556—An Act to aid in carrying out the provisions of an Act of Congress relating to the Stockton and Copperopolis Railroad Company.

Read a third time and passed.

Mr. Pratt: Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

Objected to.

Assembly Bill No. 501—An Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes.

Read a third time and passed.

Mr. Roberts: Senate Bill No. 432—An Act to authorize and empower the incorporated towns in this State to hold and convey certain lands.

The rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Robinson: Senate Bill No. 505—An Act conferring further power upon the Harbormasters of the Port of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Rose: Senate Bill No. 572—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their powers and duties, approved March thirty-first, eighteen hundred and sixty-six.

Rules suspended, the bill considered engrossed, read a third time and passed.

Mr. Saunders : Assembly Bill No. 509—An Act relating to assessments for street improvements in the City and County of San Francisco.

Read a third time and passed.

Mr. Shaw : Assembly Bill No. 579—An Act for the relief of William Fitzpatrick

Read a third time and passed.

Mr. Teegarden : Assembly Bill No. 589—An Act to incorporate the Town of Watsonville, Santa Cruz County.

Objected to.

Mr. Tubbs : Assembly Bill No. 322—An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco.

Amendment adopted, and bill read a third time and passed.

Mr. Tweed : Assembly Bill No. 606—An Act to authorize certain persons to construct weirs and traps in the Straits of Carquines.

Read a third time and passed.

Mr. Wadsworth : Senate Bill No. 563—An Act supplementary to an Act entitled an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine.

Rules suspended, bill considered engrossed, read a time and passed.

Mr. Wolcott : Assembly Bill No. 563—An Act to provide for the payment of counsel fees and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto.

Read a third time and passed.

On motion of Mr. Tubbs, at one o'clock A. M. the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,
Saturday, March 28th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Mr. Kincaid, the reading and approving of the Journal was postponed until Monday evening next.

Mr. Lewis moved to suspend the rules and take up Assembly Bill No. 281—An Act to authorize George Hearst, Louis Schloss, S. W. Glazier, W. A. Bolinger and Frank M. Pixley, their associates and assigns, to construct gas works and lay down pipes in the City of San Francisco.

The ayes and noes were demanded by Messrs. Lewis, Roberts and Johnson.

The vote was as follows :

AYES—Messrs. Belden, Chappell, Ewer, Freeman, Green, Hager, Hardy, Heacock, Johnson, Kincaid, Lawrence, Lewis, Maclay, Morrill, Pearce, Perley, Roberts, Robinson, Wolcott—19.

NOES—Messrs. Beach, Conly, Conn, Curtis, Hunter, Mandeville, McDougall, Murphy, Pendegast, Teegarden, Tweed, Wadsworth—12.

So the Senate refused to suspend the rules.

On motion of Mr. McDougall, the rules were suspended, and Assembly Bill No. 589—An Act to incorporate the Town of Watsonville, Santa Cruz County—was taken up, read a third time and passed.

On motion of Mr. Robinson, Assembly Bill No. 733 was taken from Assembly messages and referred to the Alameda delegation.

On motion of Mr. Green, the rules were suspended, and Assembly Bill No. 356—An Act declaring a creek in sections thirty-five and thirty-six, township three south, range three west, Mount Diablo meridian, navigable—was taken up, read a third time and passed.

The rules were suspended, and Mr. Teegarden had leave to introduce the following resolution :

Resolved, That L. Hubbard be paid the sum of one hundred and fifty dollars for services rendered as Clerk of the Senate Hospital Committee, from March first to March thirtieth, eighteen hundred and sixty-eight, at the rate of five dollars per day (thirty days).

Referred to the Committee on Contingent Expenses.

Mr. Mandeville, pursuant to notice, moved to reconsider the vote whereby the Senate passed Assembly Bill No. 91—An Act to fix and establish the rates of fare and freight on railroads, and other matters relating thereto.

Carried.

Mr. Maclay moved to reconsider the vote whereby an amendment was adopted prescribing the manner of measurement or weight of freight.

The ayes and noes were demanded by Messrs. Johnson, Maclay and Chappell.

The vote was as follows :

AYES—Messrs. Beach, Belden, Chappell, Conly, Conn, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Murphy, Pearce, Pendegast, Perley, Pratt, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wadsworth, Wolcott—35.

NOES—Messrs. Bradley, Johnson, Roberts, Tweed—4.

So the Senate reconsidered the vote.

The bill was then considered in Committee of the Whole.

IN SENATE.

Mr. Mandeville moved the previous question, which was seconded.

The main question was ordered.

Mr. Pratt offered the following amendment: Add to section one:

"Provided, no reduction of the rates of fare or freight shall take effect until a net profit of ten per cent. per annum has been realized on the capital stock of the road to be affected by such reduction."

Messrs. Pratt, Roberts and Green demanded the ayes and noes on the adoption of the amendment.

The vote was as follows:

AYES—Messrs. Chappell, Conly, Conn, Curtis, Freeman, Green, Hardy, Heacock, Lawrence, Maclay, McDougall, Mizner, Morrill, Murphy, Perley, Pratt, Rose, Shaw, Teegarden, Tubbs—20.

NOES—Messrs. Beach, Belden, Bradley, Ewer, Hager, Hunter, Johnson, Kincaid, Lewis, Mandeville, Murch, Pearce, Pendegast, Roberts, Robinson, Saunders, Tweed, Wadsworth, Wolcott—19.

So the amendment was adopted.

On the passage of the bill, Messrs. Johnson, Ewer and Pearce demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Belden, Conn, Curtis, Hager, Hardy, Heacock, Kincaid, Lawrence, Maclay, McDougall, Mizner, Morrill, Perley, Roberts, Robinson, Rose, Saunders, Shaw, Teegarden, Tubbs, Wolcott—21.

NOES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Freeman, Green, Hunter, Johnson, Lewis, Mandeville, Murch, Pearce, Pendegast, Pratt, Wadsworth—16.

So the bill passed.

Mr. Pendegast moved to reconsider the vote whereby Assembly Bill No. 46—An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County—was passed by the Senate.

On motion of Mr. Mandeville, the motion to reconsider was indefinitely postponed.

REPORTS.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 84—An Act entitled an Act to fix the salary of the District Attorney of the County of Santa Barbara.

Also, Senate Bill No. 442—An Act to confer certain powers upon the Board of State Harbor Commissioners.

Also, Senate Bill No. 595—An Act concerning the Geological Survey.

Also, substitute for Senate Bill No. 489—An Act granting the San Francisco and Humboldt Bay Railroad Company the right to construct a railroad in the County of Marin.

Also, Senate Bill No. 444—An Act to authorize payment for work done in Swamp Land District No. 2.

WADSWORTH, Chairman.

The rules were suspended, and Mr. Robinson had leave to make the following report :

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 773, amending the charter of Oakland, ask leave to report the same back with amendments, and recommend its passage as amended.

ROBINSON, for Delegation.

Mr. Robinson moved to suspend the rules and take up Assembly Bill No. 773, above reported.

Lost.

GENERAL FILE.

The Senate took up the consideration of the general file.

Assembly Bill No. 300—An Act to relieve the owners of encumbered real estate from double taxation.

Mr. Pearce offered the following amendment: Strike out all after the enacting clause, and insert the following:

“Section 1. No assessment shall hereafter be made of, or tax levied upon, money at interest secured by mortgage or other written instrument in the nature of a mortgage upon real estate; but nothing in this Act shall have the effect or be construed to remit or discharge any tax now due and owing, or hereafter levied and assessed upon money at interest.”

On the adoption of the amendment the ayes and noes were demanded by Mr. Pearce, Belden and Pratt.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hardy, Heacock, Hunter, Johnson, Lewis, Mandeville, Mizner, Pearce, Roberts, Robinson, Rose, Tweed—17.

NOES—Messrs. Chappell, Conly, Freeman, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Murphy, Saunders, Shaw, Teegarden, Tubbs, Wolcott—16.

So the amendment was carried.

Mr. Pratt offered a substitute for the bill, providing that the Assessor shall deduct from the actual cash value of any property assessed by him the amount of any encumbrance or lien thereon, by mortgage or other lien, and shall assess to the person in whose name said mortgage or lien is recorded the amount thereof.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Pearce, Johnson and Rose.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hardy, Heacock, Hunter, Johnson, Lewis, Mandeville, Mizner, Pearce, Roberts, Robinson, Rose, Tweed, Wadsworth—18.

NOES—Messrs. Chappell, Conly, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw, Teegarden, Tubbs, Wolcott—20.

So the substitute was rejected.

At one o'clock p. m. the Senate postponed the recess until the bill under consideration should be disposed of.

Mr. Beach offered an amendment to section two, providing that all taxes levied and paid since March first, eighteen hundred and sixty-four, upon money at interest, secured by mortgage or other instrument on real estate, should be refunded, and providing the manner of refunding the same.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Pearce, Rose and Johnson.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hardy, Heacock, Hunter, Johnson, Lewis, Mizner, Pearce, Roberts, Robinson, Rose, Wadsworth—16.

NOES—Messrs. Chappell, Conly, Freeman, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw, Teegarden, Tubbs—18.

So the amendment was lost.

Mr. Pearce offered the following amendment: Strike out the proviso to section one.

On the adoption of the amendment the ayes and noes were demanded by Messrs. Pearce, Bradley and Mizner.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Mizner, Pearce, Roberts, Robinson, Rose, Teegarden, Wadsworth—15.

NOES—Messrs. Chappell, Conly, Freeman, Hager, Kincaid, Lawrence, McDougall, Morrill, Murch, Pendegast, Perley, Pratt, Saunders, Shaw, Tubbs—15.

There being a tie, the President, in the exercise of his constitutional privilege, voted aye, and the amendment was adopted.

Mr. Pratt moved to reconsider the vote just taken.

The President decided the motion out of order, because the Senator had voted with the minority, or losing side.

Mr. Pratt appealed to the Senate from the decision.

On the question, Shall the decision of the President stand as the judgment of the Senate? the ayes and noes were demanded by Messrs. Johnson, Pearce and Roberts.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Conn, Ewer, Hager, Heacock, Hunter, Johnson, Kincaid, Lewis, Mandeville, McDougall, Mizner, Morrill, Murch, Pearce, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Teegarden, Tweed, Wadsworth, Wolcott—27.

NOES—Messrs. Conly, Freeman, Shaw—3.

So the decision of the President was sustained.

Mr. Murch moved to take a recess for half an hour, and that the consideration of the special orders be postponed until the bill under consideration shall have been disposed of.

The ayes and noes were demanded by Messrs. Curtis, Beach and Bradley.

The vote was as follows :

AYES—Messrs. Chappell, Conly, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw, Tabbs, Wolcott—19.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hardy, Heacock, Hunter, Johnson, Lewis, Mandeville, Mizner, Pearce, Roberts, Robinson, Rose, Teegarden, Tweed, Wadsworth—19.

There being a tie, the President, in the exercise of his constitutional privilege, voted no, and the motion was lost.

Mr. Pearce offered the following amendment: Strike out the words "at interest," after the word "money," in line two, section one.

On the adoption of the amendment, the ayes and noes were demanded by Messrs Pearce, Bradley and Heacock.

The vote was as follows :

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Lewis, Mandeville, Mizner, Murch, Pearce, Pratt, Roberts, Robinson, Rose, Teegarden, Tweed—19.

NOES—Messrs. Conly, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murphy, Pendegast, Perley, Shaw, Wolcott—14.

So the amendment was adopted.

Mr. Shaw offered the following amendment: Amend as follows :

"Provided, That double taxation shall only be taxed on money, and not on mortgages."

On the adoption of the amendment the ayes and noes were demanded by Messrs. Shaw, Bradley and Perley.

The vote was as follows :

AYES—Messrs. Conly, Freeman, Green, Kincaid, Lawrence, Maclay, McDougall, Pendegast, Perley, Pratt—10.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Hager, Heacock, Hunter, Johnson, Lewis, Mandeville, Mizner, Morrill, Murch, Pearce, Roberts, Robinson, Rose, Shaw, Teegarden, Tweed, Wolcott—23.

So the amendment was lost.

On ordering the bill read a third time, the ayes and noes were demanded by Messrs. Pearce, Perley and Hunter.

The vote was as follows :

AYES—Messrs. Chappell, Conly, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Murphy, Pendegast, Perley, Shaw, Wolcott—16.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Lewis, Mandeville, Mizner, Pearce, Pratt, Roberts, Robinson, Rose, Teegarden, Tweed—18.

So the Senate refused to order the bill to a third reading.
On motion of Mr. Tubbs, the Senate took a recess for half an hour.

REASSEMBLED.

The Senate was called to order at three o'clock P. M.

President in the chair.

Roll called.

Quorum present.

On motion of Mr. Lewis, the consideration of the special orders was postponed for fifteen minutes.

Mr. Murch had leave to withdraw Senate Bill No. 32—An Act to fix the per diem and mileage of members of the Legislature.

On motion of Mr. Mandeville, the rules were suspended, and Senate Bill No. 312—An Act to amend an Act to divide the State into judicial districts, approved April twenty-fifth, eighteen hundred and sixty-three—was taken up, read a third time and passed.

On motion of Mr. Bradley, the rules were suspended, and Assembly Bill No. 637—An Act concerning foreign miners' license tax in the County of Placer—was taken up, read a third time and passed.

On motion of Mr. Chappell, the rules were suspended, and Assembly Bill No. 445—An Act to amend section thirty-eight of an Act regulating elections—was taken up, read a third time and passed.

REPORT.

Mr. Wadsworth, Chairman of the Committee on Engrossment, reported as follows:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 388—An Act to confer power upon the Board of Supervisors of the City and County of San Francisco.

WADSWORTH, Chairman.

On motion of Mr. Conn, the rules were suspended and Assembly Bill No. 213 (proposed substitute for Senate Bill No. 99)—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors—was taken up.

SPECIAL ORDER.

Pending consideration of the bill, the hour arrived for the consideration of the special order of the day—the Governor's message appointing Port Wardens.

Mr. Green moved a call of the Senate.

The ayes and noes were demanded by Messrs. Green, Pearce and Wolcott.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Perley, Pratt, Roberts, Robinson, Teagarden, Tubbs, Tweed, Wadsworth, Wolcott—18.

NOES—Messrs. Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence,

Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—17.

So a call was ordered.

IN EXECUTIVE SESSION.

The Senate resolved itself into executive session, and refused to advise and consent to the appointment of Joseph Austin as Port Warden, by the following vote:

AYES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders—17.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

SECOND SPECIAL ORDER.

Assembly Concurrent Resolution No. 38, relative to a Joint Convention for the election of State Harbor Commissioner.

Mr. Heacock moved to indefinitely postpone the resolution.

Mr. Mandeville offered the following amendment: Amend by inserting, after the last word in the resolution:

“Also, for the purpose of electing four Directors to the Insane Asylum and one Medical Visitor.”

The ayes and noes were demanded by Messrs. Mandeville, Green and Hager.

The vote was as follows:

AYES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders—18.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

So the amendment was lost.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Heacock, Pearce and Rose.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

NOES—Messrs. Conn, Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders—18.

So the resolution was indefinitely postponed.

REPORT.

Mr. Heacock, from the Committee on Free Conference, had leave to make the following report :

MR. PRESIDENT: Your Committee on Free Conference on the disagreeing vote of the two Houses on Senate Bill No. 279, respectfully report as follows :

First—That the salary of the Supervisors of San Francisco shall be one hundred dollars per month, payable monthly, from the passage of this Act.

Second—That seven votes shall be necessary to pass any order, ordinance or resolution; but in the event of a veto by the Mayor, then nine votes.

Third—That if hereafter any Supervisor shall be absent from the State ninety days, his seat may be declared vacant by the Board and the vacancy filled as other vacancies.

Fourth—That the remainder of the bill be stricken out.

HEACOCK,

TUBBS,

SAUNDERS,

Senate Committee;

CONNELY,

PAPY,

Assembly Committee.

The report was adopted.

BILL INTRODUCED.

Mr. Pratt had unanimous leave to introduce a bill for an Act to legalize an election held in Lake County, State of California, on the fourth of September, A. D. eighteen hundred and sixty-seven.

Read first and second times and referred to the Lake delegation.

Mr. Ewer moved to suspend the rules and take up Assembly Bill No. 681.

Lost.

MESSAGES FROM THE ASSEMBLY.

On motion of Mr. Tongardien, the Senate took up the following messages received from the Assembly :

ASSEMBLY CHAMBER, }
March 28th, 1868. }

MR. PRESIDENT: The Assembly this day passed Assembly Bill No. 642—An Act to amend an Act entitled an Act supplementary to an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two.

J. B. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

MR. PRESIDENT: The Assembly this day passed Senate Bill No. 178—An Act amendatory of and supplementary to an Act entitled an Act

to provide for the preservation of the Spanish archives, title papers of land claims, etc.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 28th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed Senate Bill No. 223—An Act entitled an Act to amend an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Assembly Bill No. 73—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-seventh, eighteen hundred and sixty-three.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 28th, 1868. }

MR. PRESIDENT: The Assembly this day passed Senate Bill No. 320—An Act for the encouragement of silk culture in this State.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 28th, 1868. }

MR. PRESIDENT: The Assembly this day passed substitute for Senate Bill No. 469—An Act to provide for the inmates of the State Reform School.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 27th, 1868. }

MR. PRESIDENT: The Assembly this day indefinitely postponed Senate Bill No. 508—An Act for the relief of Mrs. E. J. McLean.

Also, passed the following bills:

Senate Bill No. 421—An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo.

Assembly Bill No. 249—An Act to prevent the destruction of property from camp fires and firearms.

Assembly Bill No. 794—An Act to enable the County of Alameda to purchase a tract of land and use the same for charitable purposes and establish a home for the unfortunate.

Assembly Bill No. 626—An Act to amend sections one and four of an Act relating to bills of exchange and promissory notes.

Assembly Bill No. 717—An Act to amend section nine of an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers, etc.

Assembly Bill No. 725—To authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, etc.

Assembly Bill No. 639—An Act to prevent stallions from running at large in certain counties in this State.

Assembly Bill No. 728—An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court of the County of Solano, etc.

Assembly Bill No. 760—An Act to repeal an Act incorporating the Town of Auburn.

Assembly Bill No. 686—An Act to amend an Act to create a Board of Supervisors in the counties of this State, and to define their powers and duties.

Substitute for Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 27th, 1868. }

MR. PRESIDENT: The Assembly this day passed substitute for Senate Bill No. 23—An Act granting certain rights and water privileges to the California Dry Dock Company.

Also, Senate Bill No. 506—An Act to authorize the Board of Supervisors of El Dorado County to appropriate money for the relief of David L. Britton.

JOHN A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 27th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

JOHN A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 27th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed substitute for Assembly Bills Nos. 46 and 623—An Act supplemental to an Act entitled an Act for the government of the State Prison convicts, and to provide for the location of a Branch State Prison, approved April twenty-fourth, eighteen hundred and fifty-eight.

And return, engrossed, Assembly Bill No. 776—An Act to appropriate money to pay the outstanding Indian War bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 54, relative to internal revenue tax on native grape brandy.

Also, Assembly Bill No. 700—An Act to repeal an Act entitled an Act to incorporate the Town of San Buenaventura, etc.

Also, Assembly Bill No. 735—An Act to prevent Swamp District Number Two from overflow.

Also, Assembly Bill No. 617—An Act for the better protection of the State Treasury.

Also, Assembly Bill No. 489—An Act to prevent seduction.

Also, Assembly Bill No. 88—An Act to regulate the taking up and holding of mining claims in Siskiyou County, etc.

Also, Assembly Bill No. 774—An Act to authorize the Sheriff of Trinity County to charge and receive mileage for certain services.

Also, Assembly Bill No. 505—An Act for the relief of W. B. Ross, Sheriff of Kern County.

Also, Assembly Bill No. 755—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, etc.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly have this day passed Senate Bill No. 363—An Act to encourage the development of the iron mines of California.

Also, Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, eighteen hundred and fifty, etc.

Also, Senate Bill No. 501—An Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals and herds of hogs, in the Counties of Tuolumne and Calaveras.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 27th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 433—An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and townships in this State by the Act of Congress, etc.

Also, Senate Bill No. 410—An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress, etc.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER.

March 27th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on the twenty-fourth instant adopted Assembly Concurrent Resolution No. 61, relating to expense incurred by the Capital Investigating Committee.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER.

March 24th, 1868. }

Mr. PRESIDENT: The Assembly this day receded from its amendments to Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 567, above reported, was read first and second times; rules suspended, read a third time and passed.

REPORTS.

The rules were suspended, and Mr. Belden had leave to verbally report on Senate Bill No. 564—An Act to legalize assessments and to provide for the collection of delinquent taxes in the several counties of this State; and Senate Bill No. 427—An Act for correcting omissions and defects in assessments—recommending their passage.

On motion of Mr. Belden, the above bills were taken up, severally read a third time and passed.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 461—An Act to extend the time in which to complete a wagon road;

Also, Senate Bill No. 499—An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama, and for the collection of taxes therein;

Also, Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six;

Also, Senate Bill No. 260—An Act to appropriate money for the purchase of safes for the State Treasurer's office;

Also, Senate Bill No. 462—An Act to provide for the appointment of phonographic reporters in certain counties in this State;

Also, Senate Bill No. 130—An Act to provide for the revision and compilation of the laws of the State of California, and the publication thereof;

Also, Senate Bill No. 234—An Act to amend an Act to restrict the

herding of sheep, approved May eighteenth, eighteen hundred and sixty-one;

Also, Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad Company;

Also, Senate Bill No. 421—An Act to authorize the sale and conveyance to the San Mateo Manufacturing Company certain overflowed lands in the County of San Mateo;

Also, Senate Bill No. 454—An Act to repeal certain Acts concerning hogs found running at large in Amador County;

Also, Senate Bill No. 597—An Act amendatory of and supplementary to an Act to establish and maintain an alms-house and hospital in the City and County of San Francisco;

Also, Senate Bill No. 555—An Act to provide a proper hospital for the County of Sacramento;

Also, Senate Bill No. 565—An Act to provide funds to pay the floating debt of Butte County;

Also, Senate Bill No. 593—An Act to authorize the California Pacific Railroad Company to extend its road to Suscol, in Napa County, and receive subscriptions to its capital stock, and other matters relating thereto;

Also, Senate Bill No. 537—An Act to transfer certain moneys to the Common School Fund of the County of Siskiyou;

Also, Senate Bill No. 577—An Act relating to roads in the County of Colusa;

Also, Senate Bill No. 162—An Act to provide for choosing electors of President and Vice President of the United States;

Also, Senate Bill No. 594—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county;

Also, Senate Bill No. 562—An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three;

Also, substitute for Senate Bill No. 23—An Act granting certain rights and privileges to the California Dry Dock Company;

Also, Senate Bill No. 519—An Act authorizing Elijah Beebee to construct a chute and moorings, and charge and collect toll for the use thereof;

Also, substitute for Senate Bill No. 382—An Act to authorize the construction of a tramroad or railroad in the County of Santa Clara;

Also, Senate Bill No. 36—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juana Castro, deceased, to sell certain real estate of said infant heirs;

Also, Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County;

Also, Senate Bill No. 516—An Act to amend an Act entitled an Act to define and limit the compensation of officers, and to reduce public expenses and taxation in the County of San Mateo;

Also, Senate Bill No. 394—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate Bill No. 353—An Act to authorize the sale and conveyance to William Dunphy and others of certain overflowed lands, and to

carry on the business of slaughtering thereon, within the limits of the City and County of San Francisco;

Also, Senate Bill No. 38—An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same;

And this day, at eleven o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, also presented the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 296—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco;

Also, Senate Bill No. 188—An Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish the grades of streets and avenues in certain districts in said city and county;

Also, substitute for Senate Bill No. 316—An Act to provide for the collection of the revenue in and for the County of Napa;

And this day, at three o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

On motion of Mr. Robinson, the rules were suspended, and Assembly Bill No. 773—An Act supplementary to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two, and to amend and repeal other Acts and parts of Acts relating to said City of Oakland—was taken up, read a third time and passed.

Mr. Roberts had unanimous leave to have his vote recorded as voting against the passage of an Act reducing the rates of fare and freight on the Central Pacific Railroad.

Assembly Bill No. 642, above reported, was taken from Assembly messages, read first and second times, rules suspended, read a third time and passed.

Mr. Mandeville moved to reconsider the vote whereby the Senate on yesterday passed Senate Bill No. 273—An Act to provide a law library for the Supreme Court.

Mr. Rose moved to indefinitely postpone the motion to reconsider.

Carried.

The twelfth rule was then suspended, and the bill transmitted to the Assembly.

On motion of Mr. Pratt, the rules were suspended, and Assembly Bill No. 209—An Act to amend sections one hundred and sixty-five, one hundred and eighty-nine, two hundred and three, two hundred and sixty-four, two hundred and sixty-five, four hundred and forty-eight, five hundred and forty-three, five hundred and eighty-two and six hundred and twenty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-

ninth, eighteen hundred and fifty-one, as amended by subsequent Acts—was taken from the file.

Mr. Belden moved to lay the bill on the table.

Carried.

Mr. Shaw moved a suspension of the rules to take up Assembly Bill No. 666—An Act to authorize an investigation of the management of the Industrial School in the City and County of San Francisco.

Carried.

The bill was then read a third time and passed.

Mr. Rose moved to suspend the rules for the introduction of a concurrent resolution relative to the appointment of a committee of three to investigate matters in the Treasurer's office; also, matters relating to the State Capitol Commissioners.

The motion was carried.

Mr. Ewer moved to lay the resolution on the table.

The Senate on dividing, stood thirteen in the affirmative and thirteen in the negative.

There being a tie vote, the President, in the exercise of his constitutional privilege, voted in the negative, and the motion was lost.

Mr. Pearce moved to amend by striking out "September," and inserting in lieu thereof "July."

Carried.

The hour of five o'clock having arrived, the hour fixed for adjournment of the Senate, by unanimous consent the time was extended fifteen minutes.

Pending action on Mr. Rose's resolution, at five o'clock and fifteen minutes P. M., the Senate adjourned.

EVENING SESSION.

The Senate was called to order at seven o'clock.

President in the chair.

Roll called.

Quorum present.

RESOLUTIONS.

Mr. Beach had leave to introduce the following resolution :

Resolved, That in the consideration of bills this evening, the roll shall be called, and each Senator, in the order of his name, may designate a bill on either file, which shall be considered, unless a majority of the Senate shall order otherwise.

Lost.

Mr. Perley offered the following resolution :

Resolved, That each Senator, as his name is called, be permitted to call up one bill, and if objection is made, to call up another to which there is no objection.

Adopted.

Mr. Belden moved to reconsider the vote whereby the Senate refused to order substitute for Assembly Bill No. 300 to a third reading.

Mr. Pearce raised the point of order, that no motion to reconsider can be made on the same day on which the vote was taken.

The President decided the point of order well taken.

Mr. Conly appealed to the Senate from the decision of the President.

Mr. Mandeville moved that the whole subject matter be laid on the table.

The ayes and noes were demanded by Messrs. Lawrence, Green and Saunders.

The vote was as follows:

AYES—Messrs. Beach, Belden, Bradley, Conn, Curtis, Ewer, Hardy, Heacock, Hunter, Johnson, Lewis, Mandeville, McDougall, Mizner, Pearce, Roberts, Robinson, Rose, Teegarden, Tweed, Wadsworth—21.

NOES—Messrs. Chappell, Conly, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw, Tubbs, Walcott—18.

So the motion was carried.

The rules were suspended, and Mr. Mizner had leave to introduce a concurrent resolution relative to suspending joint rule number fifteen.

The resolution was amended, and, as amended, adopted.

REPORTS.

Mr. Tubbs, from the Committee of Conference, made the following report:

MR. PRESIDENT: The Joint Committee of Conference on the disagreeing vote of the two houses on Senate amendments to Assembly Bill No. 693—An Act making appropriations for the support of the civil government of the State of California for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy, after conference, unanimously agree as follows:

Assembly concur in Senate amendment number one.

Senate recede from Senate amendment number two.

Insert amendment number three.

Strike out Senate amendment number four, and insert Senate amendment number five.

Assembly concur in Senate amendment number six.

Senate recede from Senate amendment number seven.

Assembly concur in Senate amendment number eight.

Assembly concur in Senate amendments numbers nine, ten and eleven.

Senate recede from Senate amendment number twelve.

Assembly concur in two Senate amendments number thirteen.

Assembly concur in Senate amendment number fourteen.

Strike out Senate amendments numbers fifteen and sixteen, and insert a substitute.

Insert amendment number seventeen.

TUBBS,
SHAW,
EWER.

Senate Committee;
ANGNEY,
CANAVAN,
Assembly Committee.

Mr. Tubbs, Chairman of the Finance Committee, made the following report:

MR. PRESIDENT: The Finance Committee, to whom was referred Assembly Bill No. 777—An Act to fix the rate of taxation for State purposes—have had the same under consideration, and report the bill back with amendments, and recommend its passage as amended.

TUBBS, Chairman.

On motion of Mr. Tubbs, the rules were suspended and Assembly Bill No. 777, above reported, was taken up, reported amendments adopted, and bill read a third time and passed.

Mr. Pendegast verbally reported Senate Bill No. 598 without recommendation.

Mr. Mizner verbally reported on Senate Bills Nos. 445, 495, 392 and 168, recommending that they be laid on the table.

Mr. Maclay, Chairman of the Committee on State and County Revenue made the following report:

MR. PRESIDENT: The Committee on State and County Revenue, to whom was referred Assembly Bill No. 423—An Act to fix the salaries and compensation of the County Judge, District Attorney and County Treasurer of Alpine; and Senate Bill No. 161—An Act making the office of Sheriff of San Luis Obispo County a salaried office—respectfully report the same back without recommendation.

MACLAY, Chairman.

In accordance with the above resolution, the roll was called and each Senator designated his choice, as follows:

Mr. Beach: Senate Bill No. 383—An Act to authorize the sale and conveyance to H. J. Booth, A. E. Head, C. B. Land, Thomas Jones, C. Land, A. S. Greeley, Abner Doble, Wm. Blanding, J. B. Howard, G. W. Prescott, their associates and assigns, of certain overflowed lands in the City and County of San Francisco.

Objected to.

Also, by the same: Assembly Bill No. 681—An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco, heretofore sought to be conveyed under the provisions of the Act passed May third, eighteen hundred and fifty-four, entitled an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States for certain purposes.

The bill was taken up, read a third time and passed.

Mr. Bradley: Assembly Bill No. 760—An Act to repeal an Act incorporating the Town of Auburn.

Taken up, read first and second times; rules suspended, read a third time and passed.

Mr. Conly: Senate Bill No. 365—An Act appropriating money to pay the expense of resisting the authorities of the State of Nevada by the officers of Plumas County, in the year eighteen hundred and sixty-three.

Read a third time and passed.

Mr. Curtis: Senate Bill No. 504—An Act relative to the care and

management of the State burial ground, and making an annual appropriation therefor.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Conn: Substitute for Assembly Bill No. 273—An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts.

Read a third time and passed.

Mr. Ewer: Assembly Bill No. 717—An Act to amend section nine of an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenditures and taxation of said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six.

Read first and second times: rules suspended, read third time and passed.

Mr. Freeman: Senate Bill No. 468—An Act to provide revenue for the support of Government.

Objected to.

Also, by the same: Assembly Bill No. 381—An Act to authorize John N. Appleton, E. C. Winchell and their associates and assigns, to improve the channel of King's River, in Fresno County, and to construct and maintain booms thereon.

Laid on the table.

The rules were suspended, and Mr. Pondagast had leave to introduce the following resolution:

Resolved by the Senate, That the State Printer be directed to print, in pamphlet form, one thousand copies of the Act entitled an Act to provide revenue for the support of the Government, prepared at this session of the Legislature by the Joint Committee of the Senate and Assembly, and introduced by Mr. Shaw in the Senate, and that the State Controller be requested to distribute such pamphlets generally throughout the State, and particularly to the county officers thereof.

Adopted.

Mr. Hager: Assembly Bill No. 652—An Act concerning the office of Prosecuting Attorney in the Police Court of the City and County of San Francisco.

Objected to.

Also, by the same: Assembly Bill No. 625—An Act to authorize the Board of Supervisors to order a re-survey of the lines of Nevada street, in the City and County of San Francisco.

Objected to.

Also, by the same: Assembly Bill No. 57—An Act to repeal an Act to declare and regulate the powers of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourteenth, eighteen hundred and sixty-four.

Read a third time and passed.

Mr. Green: Senate Bill No. 248—An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.

Objected to.

Mr. Heacock: Assembly Bill No. 604—An Act to authorize I. S.

Woods, William Shattuck, Frank H. Cummings, Daniel W. Clark, S. E. Wilson, E. D. Shirland and their associates and assigns, to lay down gas pipes in the City of Sacramento, County of Sacramento.

Read a third time and passed.

Mr. Kincaid: Assembly Bill No. 92—An Act to establish a Board of Health for the City and County of San Francisco.

Objected to.

Mr. Lawrence: Senate Bill No. 568—An Act to supply the District Judge of the Thirteenth Judicial District with certain law reports.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Lewis: Assembly Bill No. 281—An Act to authorize George Hearst, Louis Schloss, S. W. Glazier, W. A. Bolinger and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City of San Francisco.

Objected to.

Also, by the same: Senate Bill No. 411—An Act supplementary to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Passed temporarily on file

Mr. Kincaid: Senate Bill No. 197—An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty.

Read a third time and passed.

Mr. Maclay: Assembly Bill No. 545—An Act to confirm and legalize certain contracts entered into by Peter Donahue and others.

Read a third time and passed.

Mr. Mandeville: Senate Bill No. 516.

Objected to.

Also, by the same: Assembly Bill No. 536—An Act for the relief of certain parties therein named.

Objected to.

Also, by the same: Assembly Bill No. 555 (substitute for Assembly Bill No. 274)—An Act to extend the police powers of the President and Trustees of the City of San Diego.

Read a third time and passed.

Mr. McDougall: Senate Bill No. 152—An Act to prevent fires in the farming and grazing districts.

Objected to.

Mr. Lewis: Senate Bill No. 411—An Act supplementary to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Amended, read a third time and passed.

Mr. Mizner: Assembly Bill No. 599—An Act to provide for the construction and use of a canal on Islais Creek.

Objected to.

Mr. Green: Assembly Bill No. 641—An Act to amend an Act entitled an Act to authorize the formation of corporations, to provide the members thereof with homesteads, or lots of land suitable for homesteads.

Referred to Mr. Pearce.

Mr. McDougall: Assembly Bill No. 333—An Act to provide for the construction and use of Mission Street Canal, in the City and County of San Francisco.

Objected to.

Also, by the same: Assembly Bill No. 444—An Act to authorize the

Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county.

Objected to.

Also, by the same: Senate Bill No. 138—An Act granting the Omnibus Railroad Company certain rights therein named.

Objected to.

Mr. Morrill: Assembly Bill No. 665—An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras.

Read a third time and passed.

Mr. Murch: Senate Bill No. 586—An Act concerning roads, highways and bridges in Klamath County.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Murphy: Senate Bill No. 464—An Act to settle pueblo grants in the Town of Santa Barbara.

Objected to.

Also, by the same: Assembly Bill No. 443—An Act to give additional power to the Board of Supervisors of Santa Barbara County to levy a road tax.

Objected to.

Mr. Hardy: Senate Bill No. 473—An Act to provide depot grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroad Company, and other matters relating thereto.

Objected to.

Mr. Chappell: Senate Bill No. 585—An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for Klamath County.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Pearce: Senate Bill No. 502—An Act providing for the holding of State Fairs.

Objected to.

Also, by the same: Senate Concurrent Resolution No. 15, in regard to the Electoral votes of States under the Reconstruction Acts of Congress.

Objected to.

Also, by the same: Senate Concurrent Resolution No. 40, relative to the refusal by Congress to admit members elected from Kentucky, and the action of the United States Senate in relation to ex-Secretary Stanton.

Objected to.

Mr. Pendegast: Assembly Bill No. 486—An Act to legalize the assessment of taxes for the fiscal year commencing on the first of March, eighteen hundred and sixty-seven, in the County of Lake.

Read a third time and passed.

Mr. Perley: Senate Bill No. 477—An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Objected to.

Mr. Pratt: Senate Bill No. 62—An Act entitled an Act concerning corporations.

Objected to.

Also, by the same: Senate Bill No. 462—An Act to provide for the incorporation of mutual savings and homestead associations.

Read a third time and passed.

Assembly Bill No. 569 was verbally reported by Mr. Kincaid, with a recommendation that it be placed on file.

Mr. Robinson: Assembly Bill No. 591—An Act declaring certain streams in the County of Alameda navigable.

Read a third time and passed.

Mr. Rose: Senate Bill No. 518—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the Revenue Acts of this State, approved April second, eighteen hundred and sixty-six.

Objected to.

Mr. Saunders: Assembly Bill No. 227—An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms.

Read a third time and passed.

Mr. Shaw: Assembly Bill No. 213 (proposed substitute for Senate Bill No. 90)—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors.

Objected to.

Also, by the same: Assembly Bill No. 421 (substitute for Assembly Bill No. 421)—An Act for the more effectual prevention of cruelty to animals.

Reported amendments adopted, and bill read a third time and passed.

Mr. Teegarden: Substitute for Senate Bill No. 469—An Act to provide for the care and instruction of juvenile offenders in the State of California.

Reported amendments adopted, read a third time and passed.

Mr. Perley: Assembly Bill No. 351—An Act supplementary to an Act entitled an Act for the encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two.

Read a third time and passed.

Mr. Tubbs: Senate Bill No. 310—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April second, eighteen hundred and sixty-six.

Reported amendments adopted, amended, read a third time and passed.

Mr. Murphy: Senate Concurrent Resolution No. 67, to aid in developing the navigability of the Colorado River.

Adopted.

Mr. Tweed: Senate Bill No. 250—An Act regulating the assessment and taxation of railroads for revenue purposes, and other matters relating thereto.

Objected to.

Also, by the same: Senate Bill No. 192—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six.

Objected to.

Mr. Wolcott: Assembly Bill No. 477 (substitute)—An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

Amendment adopted, read a third time and passed.

Mr. Tweed: Substitute for Senate Bill No. 148—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of

justice of the State, passed April twenty-ninth, eighteen hundred and fifty-one.

Substitute adopted, read a third time and passed.

Mr. Rose: Senate Bill No. 442.

Objected to.

Mr. McDougall: Substitute for Assembly Bill No. 221—An Act concerning conveyances by Indian pueblos for public purposes.

Reported amendment adopted, read a third time and passed.

Mr. Wadsworth: Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California—reported from the Assembly with a substitute.

Substitute adopted, read a third time and passed.

Mr. Rose: Assembly Bill No. 492 (substitute for Assembly Bill No. 98)—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Read a third time and passed.

Mr. Freeman: Assembly Bill No. 735—An Act to prevent Swamp Land District Number Two from overflow.

Read first and second times; rules suspended, read a third time and passed.

Mr. Pearce verbally reported Assembly Bill No. 641—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four.

The rules were suspended, and Assembly Bill No. 641, above reported, was taken up, read a third time and passed.

Mr. Roberts: Assembly Bill No. 517 (substitute for Senate Bills Nos. 105, 122, 191 and 391)—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

The substitute was adopted.

Mr. Pearce offered the following amendment: Strike out all after the enacting clause, and insert as follows:

“Section 1. The said Act is hereby repealed.”

On the adoption of the amendment the ayes and noes were demanded by Messrs. Pearce, Johnson and Hardy.

The vote was as follows:

AYES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murphy, Pearce, Pendergast, Rose—15.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, McDougall, Mizner, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

So the amendment was rejected.

Mr. Johnson offered the following amendment: Strike out the words

"registered citizens of this State," in section six, and insert "credible witness."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Johnson, Pearce and Bradley.

The vote was as follows:

AYES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murphy, Pearce, Pendergast, Rose, Shaw—16.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Ewer, Green, Hardy, Heacock, McDougall, Mizner, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

So the amendment was lost.

The bill was then read a third time and passed.

Mr. Beach: Assembly Bill No. 780—An Act to appropriate money to pay the claim of Mrs. E. J. McLean.

Taken from Assembly messages and read first and second times.

Mr. Lawrence offered the following amendment: Amend section ten, as follows: In lines ten and fifteen, substitute for "County Court," the words "District Court."

Lost.

The rules were then suspended, and the bill read a third time and passed.

Mr. Maclay: Assembly Bill No. 532—An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their powers and duties, approved March twentieth, eighteen hundred and fifty-five.

Read a third time and passed.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: The Assembly has duly passed Assembly Bill No. 678—An Act for the relief of John Krisland.

Also, Assembly Bill No. 377—An Act to amend section two hundred and forty-seven of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, etc.

Also, Assembly Bill No. 712—An Act concerning non-residents, the liability of their agents and others.

Also, Senate Bill No. 525—An Act granting certain wharf privileges.

Also, Senate Bill No. 441—An Act to authorize the payment for work done in Swamp Land District Number Two.

Also, Senate Bill No. 84—An Act entitled an Act to fix the salary of the District Attorney of Santa Barbara.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER. }
March 28th, 1868. }

Mr. PRESIDENT: The Assembly has this day passed Senate Bill No. 434—An Act to amend an Act to provide for the incorporation of mutual insurance companies.

Also, indefinitely postponed Senate Bill No. 174—An Act fixing the compensation of the Sheriff of Merced County.

Also, passed Senate Bill No. 285—An Act to amend an Act to confer further powers upon the Governor of this State, in relation to the pardon of criminals.

Also, Assembly Bill No. 628—An Act to provide for the visitation and inspection of the jails and prisons of this State.

Also, substitute for Assembly Bill No. 554—An Act to amend section three of an Act entitled an Act providing for the payment of officers holding elections, and for transmitting the returns thereof.

Also, Assembly Bill No. 780—An Act to appropriate money to pay the claim of Mrs. E. J. McLean.

Also, Assembly Bill No. 694—An Act for the encouragement of agricultural societies in this State.

Also, Assembly Bill No. 772—An Act to form a school district in the Counties of Solano and Yolo.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER. }
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly passed substitute for Senate Bill No. 263—An Act for the relief J. D. Patterson.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER. }
March 28th, 1868. }

Mr. PRESIDENT: The Assembly have this day passed Senate Bill No. 556—An Act to aid in carrying out the provisions of an Act of Congress relating to the Stockton and Copperopolis Railroad Company.

Also, Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Also, Senate Bill No. 217—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 572—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County.

Also, Senate Bill No. 457—An Act to authorize Lyman Leslie and others to build a wharf at the City of Vallejo

Also, Senate Bill No. 404—An Act for the relief of Robert M. Folger.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed, under a suspension of the rules, Senate Bill No. 442—An Act to confer certain powers upon the Board of State Harbor Commissioners.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 27th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly this day, under a suspension of all the rules, passed Assembly Bill No. 779—An Act relating to the levy of State and county taxes in the County of Del Norte, for the year eighteen hundred and sixty-eight.

Also, Senate Bill No. 296—An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 28th, 1868. }

Mr. PRESIDENT: The Assembly this day passed substitute for Senate Bill No. 452—An Act to fix the salary of Sheriff and other officers in the County of El Dorado, to consolidate certain offices, and to create revenue districts therein.

Also, adopted the report of the Committee of Conference on Assembly Bill No. 693—An Act making appropriations for the support of the civil Government of the State for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on the twenty-third instant passed Assembly Bill No. 746—An Act to amend an Act entitled an Act to authorize J. Q. A. Tilton and others to construct and maintain a turnpike road from the point where the main county road crosses the San Mateo Creek to Half Moon Bay, and to charge and collect tolls thereon.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 28th, 1868. }

Mr. PRESIDENT: The Assembly has duly passed Assembly Bill No. 567 An Act to authorize the sale and conveyance to Life C. Watts and others certain overflowed lands in the City of San Francisco.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly this day refused to recede from its amendments to Senate Bill No. 138, and appointed Messrs. Lupton, Lee and White as a Committee of Conference on the part of the House.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: The Assembly this evening passed Assembly Bill No. 762, with instructions to transmit immediately to the Senate—An Act making an appropriation to pay for translating into Spanish the several State documents ordered translated during the present session of the Legislature.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: The Assembly this day passed Assembly Concurrent Resolution No. 64, to pay the claim of A. A. Bennett, as expert on the State Capitol.

Also, Assembly Bill No. 527—An Act creating a special swamp land district in Yolo County.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed Senate Bill No. 388—An Act to confer power upon the Board of Supervisors of the City and County of San Francisco.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in the fourth and fifth amendments to Assembly Bill No. 91—An Act to fix and establish the rates of fare and freight on railroads, and other matters relating thereto.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 28th, 1868. }

Mr. PRESIDENT: The Assembly this evening passed Assembly Bill No. 761—An Act for the relief of John W. Ball.

J. R. BEARD,
Assistant Clerk.

Mr. Robinson moved to reconsider the vote whereby Assembly Bill No. 524—An Act to encourage the production and manufacture of beet sugar in California—was laid on the table.

Carried.

The bill was then read a third time and passed.

Mr. Bradley moved to adjourn.

Lost.

RECONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 617, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 769, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 755, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 700, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 505, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 656, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 728, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 615, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 774, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 704, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 409, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 771, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 761, above reported, was read first and second times; rules suspended, read a third time and passed.

Assembly Bill No. 73, above reported, was read first and second times and placed on file.

Assembly Bill No. 489, above reported, was read first and second times and placed on file.

Assembly Bill No. 527, above reported, was read first and second times and placed on file.

Assembly Bill No. 725, above reported, was read first and second times and placed on file.

Assembly Bill No. 252, above reported, was read first and second times and placed on file.

Assembly Bill No. 249, above reported, was read first and second times and placed on file.

Assembly Bill No. 678, above reported, was read first and second times and placed on file.

Assembly Bill No. 373, above reported, was read first and second times and placed on file.

Assembly Bill No. 712, above reported, was read first and second times and placed on file.

Assembly Bill No. 626, above reported, was read first and second times and placed on file.

Assembly Bill No. 686, above reported, was read first and second times and placed on file.

Assembly Bill No. 639, above reported, was read first and second times and placed on file.

Assembly Bill No. 554, above reported, was read first and second times and placed on file.

Assembly Bill No. 772, above reported, was read first and second times and placed on file.

Assembly Concurrent Resolution No. 13, above reported, was read first and second times and placed on file.

Assembly Concurrent Resolution No. 54, above reported, was read first and second times and concurred in.

The Senate concurred in Assembly amendment to Senate Bill No. 539, above reported.

The Senate concurred in Assembly amendment to Senate Bill No. 217, above reported.

The Senate concurred in Assembly amendment to Senate Bill No. 442, above reported.

Substitute for Assembly Bills Nos. 460 and 623, above reported, was read first time, when objections were made to the second reading.

Mr. Mandeville moved to suspend the rules and read the bill a second time.

Carried.

The rules were again suspended, and the bill read a third time and passed.

Assembly Bill No. 728, above reported, was read first and second times; rules suspended, read a third time and passed.

The rules were suspended, and Mr. Pratt had leave to introduce a resolution relative to extra pay to Porters, Pages and Firemen.

Laid on the table.

Assembly Bill No. 88, above reported, was read first and second times and referred to the Siskiyou delegation.

Assembly Bill No. 676, above reported, was read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 746, above reported, was read the first time.

The second reading was objected to.

Mr. Curtis verbally reported back Assembly Bill No. 676, recommending its passage.

On motion of Mr. Curtis, Assembly Bill No. 676, above reported, was taken up, read a third time and passed.

Messrs. Tabbs, Hager and Mizner were appointed as a Committee of Free Conference on the disagreeing vote between the two houses on Senate Bill No. 138, above reported.

Assembly Bill No. 624, above reported, was read first time.

The second reading of the bill was objected to.

Mr. Roberts moved that Assembly Concurrent Resolution No. 64, above reported, be referred to the Committee on Contingent expenses.

Lost.

The resolution was then concurred in.

Assembly Bill No. 91, reported from the Assembly with Senate amendments numbers four and five non-concurred in, was taken up.

Mr. Belden moved to lay the bill on the table.

Messrs. Johnson, Hunter and Roberts demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Chappell, Conly, Curtis, Freeman, Green, Hager, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Perley, Pratt, Saunders, Shaw, Tubbs—20.

NOES—Messrs. Beach, Belden, Bradley, Ewer, Hardy, Heacock, Mizner, Pearce, Roberts, Robinson, Rose, Teegarden, Tweed, Wadsworth, Wolcott—15.

So the motion prevailed.

Assembly Bill No. 694, above reported, was read first and second times; rules suspended, and read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Heacock, Hunter and Roberts.

The vote was as follows:

AYES—Messrs. Beach, Bradley, Conly, Ewer, Freeman, Hardy, Heacock, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murch, Perley, Pratt, Robinson, Saunders, Teegarden, Wadsworth—22.

NOES—Messrs. Chappell, Green, Hager, Hunter, Johnson, Murphy, Pearce, Roberts, Rose, Tubbs, Wolcott—11.

So the bill was passed.

Assembly Bill No. 762, above reported was read first and second times, rules suspended and bill read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Ewer, Murphy and Mandeville.

The vote was as follows:

AYES—Messrs. Chappell, Curtis, Freeman, Hager, Hunter, Johnson, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Pratt, Rose, Saunders, Shaw, Teegarden—20.

NOES—Messrs. Beach, Belden, Bradley, Conly, Ewer, Hardy, Heacock, Mizner, Murch, Perley, Roberts, Robinson, Tubbs, Tweed, Wolcott—15.

So the bill was passed.

Mr. Rose verbally reported, recommending the passage of a substitute for Senate Bill No. 591, above reported.

On motion of Mr. Rose, the above reported bill was taken up, substitute adopted, rules suspended, read a third time and passed.

On motion of Mr. Tubbs, at twelve o'clock and five minutes A. M., the Senate adjourned.

WILLIAM HOLDEN,
President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.

IN SENATE.

SENATE CHAMBER.

Monday, March 30th, 1868. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read, corrected and approved.

On motion of Mr. Johnson, the Journal was amended by striking out "library," in Assembly message, and inserting in lieu thereof the word "treasury."

REPORTS.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 433—An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven;

Also, substitute for Senate Bill No. 452—An Act to fix the salary of Sheriff and others officers in the County of El Dorado, to consolidate certain offices, and to create revenue districts therein;

Also, Senate Bill No. 217—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one;

Also, Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven;

Also, Senate Bill No. 285—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State, in relation to the pardon of criminals;

Also, Senate Bill No. 469—An Act to provide for the inmates of the State Reform School;

Also, Senate Bill No. 556—An Act to aid in carrying out the provisions of an Act of Congress relating to the Stockton and Copperopolis Railroad Company;

Also, substitute for Senate Bill No. 469—An Act to provide for the care and instruction of juvenile offenders in the State of California;

Also, Senate Bill No. 444—An Act to authorize payment for work done in Swamp Land District No. 2;

Also, Senate Bill No. 572—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their powers and duties, approved March thirty-first, eighteen hundred and sixty-six;

Also, substitute for Senate Bill No. 143—An Act to provide for the payment of certain outstanding bonds of the State of California;

And this day, at ten o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report :

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 258—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof;

Also, substitute for Senate Bill No. 263—An Act for the relief of J. D. Patterson ;

Also, Senate Bill No. 223—An Act to amend an Act entitled an Act to amend an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three ;

Also, Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one ;

Also, Senate Bill No. 410—An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns in this State by the Act of Congress entitled an Act for the relief of inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven ;

Also, Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries ;

Also, Senate Concurrent Resolution No. 63—Relative to establishing a mail route from Stockton to Millerton, and Post Offices on said route ;

Also, Senate Bill No. 510—An Act to authorize J. B. Ward and his associates to construct and maintain a wharf in Santa Barbara County ;

Also, Senate Bill No. 309—An Act to reincorporate the Town of Santa Clara ;

Also, substitute for Senate Bill No. 178—An Act amendatory of and supplementary to an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six ;

Also, Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, eighteen hundred and fifty, and the several Acts amendatory thereto ;

Also, Senate Bill No. 442—An Act to confer certain powers upon the Board of State Harbor Commissioners ;

Also, Senate Bill No. 84—An Act entitled an Act to fix the salary of the District Attorney of the County of Santa Barbara ;

Also, Senate Bill No. 592—An Act to provide for changing the corporate name of the First Congregational Church of the City of Oakland, and ratifying and confirming the acts of its Trustees ;

Also, substitute for Senate Bill No. 363—An Act to encourage the development of the iron mines of California ;

Also, Senate Bill No. 504—An Act to authorize the Board of Supervisors of El Dorado County to appropriate money for the relief of David L. Britton;

Also, Senate Bill No. 450—An Act to authorize Lyman Leslie, Paul K. Hubbard and their associates successors and assigns, to build and maintain a wharf at the City of Vallejo, County of Solano;

Also, Senate Bill No. 388—An Act to confer powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties;

Also, Senate Bill No. 435—An Act to authorize William Bibler to construct a wharf on Petaluma Creek;

Also, Senate Bill No. 237—An Act to authorize certain persons to remove improvements placed upon public lands after said lands have become private property;

Also, Senate Bill No. 326—An Act for the encouragement of silk culture in this State;

Also, Senate Bill No. 591—An Act to provide for the assessment and collection of taxes on migratory bands of stock, farrrier animals, and herds of hogs, in the Counties of Tuolumne and Calaveras;

Also, Senate Concurrent Resolution No. 68, granting leave of absence to A. L. Fuller, County Superintendent of Public Schools, in Alameda County;

And, March twenty-eighth, at one o'clock P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Wadsworth, Chairman of the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 310—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April second, eighteen hundred and sixty-six.

WADSWORTH, Chairman.

The rules were suspended for the introduction of the following resolutions:

By Mr. Mandeville.

Resolved, That the Assembly be respectfully requested to return to the Senate, Assembly Bill No. 444—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets—the same not having passed the Senate, but reported to Assembly by mistake.

Adopted.

By Mr. Murphy.

Resolved by the Senate, That the Assembly be respectfully requested to return to the Senate, Assembly Bill No. 700—An Act to repeal an Act to incorporate the Town of San Buenaventura—which passed the Senate by mistake.

Adopted.

Mr. Mizner, from the Committee on Conference, made the following report:

MR. PRESIDENT: The Committee on Conference, as to the disagreeing vote of the Senate and Assembly on the amendment of the Assembly to Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named—have considered the same and recommend that the Senate concur in the Assembly amendment.

MIZNER,
TUBBS,
HAGER,

Committee on the part of the Senate.

The above report was taken up and adopted.

On motion of Mr. Shaw, the rules were suspended and Senate Bill No. 482—An Act entitled an Act to ratify and confirm a certain contract made by the Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same—was taken up, rules suspended, considered engrossed, read a third time and passed.

On motion of Mr. Robinson, Assembly Bill No. 375—An Act for the relief of Captain John H. Gilmore—was taken up, read a third time passed.

On motion of Mr. Murch, Senate Bill No. 587—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved April tenth, eighteen hundred and sixty-two—was taken up, read third time and passed, and twelfth rule suspended.

On motion of Mr. Ewer, Senate Bill No. 493—An Act to aid in giving effect to an Act of Congress relating to the California and Oregon Railroad Company—was taken up, rules suspended, considered engrossed, read a third time and passed.

On motion of Mr. Pearce, the rules were suspended, and Assembly Bill No. 133—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—was taken up, read third time and passed.

REPORT.

Mr. Roberts, Chairman of the Committee on Printing, made the following report:

MR. PRESIDENT: The Senate Committee on Printing would respectfully report that, under instructions of the Senate, proposals in writing were received by the committee for copying into the Appendix the Governor's message, reports of State officers and other documents, and for copying for the printer's use so much of the Journal as may remain unfinished; and that the contract therefore has been let to Wm. F. May, at the rate of four cents per folio, to be completed within reasonable time, reserving one third of the compensation until the completion of the whole work.

Your committee would recommend that the Governor's Biennial Message, and the reports of State officers accompanying, together with the

reports of the Senate Standing and Select Committees, not printed in the Journal, constitute the Appendix. Your committee therefore present the following resolution and recommend its adoption :

Resolved, That the message and documents beforementioned shall constitute the Senate Appendix for this session ; that the contract with Wm. F. May, as above stated, be confirmed ; that the Journal be copied by him for the printer, from the last page left unfinished at the close of the session, to be certified to by the Secretary of State ; that the Controller of State be and he is hereby authorized, upon the certificate of the Secretary of State showing the amount of work done, to draw his warrant at the end of each week for two thirds of the compensation for the work done ; and at the completion of the work the Controller shall draw his warrant for the balance due on the whole contract, payable out of the Contingent Fund of the Senate, and the Treasurer of State is hereby instructed to pay the same.

ROBERTS, Chairman.

The above resolution reported by the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Pratt offered the following resolution :

Resolved, That the Senate proceed to-day with business as follows : Each senator be allowed to call a bill, motion or resolution. If it be objected to, a vote shall be taken on the objection without debate, and a majority shall decide the question. If the objection be sustained, the Senator may call another bill, and each call and objection shall be treated as above prescribed.

The ayes and noes were demanded on the adoption of the resolution, by Messrs. Hardy, Heacock and Ewer.

The vote was as follows :

AYES—Messrs. Conn, Freeman, Green, Kincaid, Lawrence, Maclay, Mandeville, Mizner, Morrill, Murch, Perley, Pratt, Rose, Shaw, Wolcott—15.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hager, Hardy, Heacock, Hunter, Johnson, Lewis, McDougall, Murphy, Pearce, Roberts, Robinson, Saunders, Teegarden, Tubbs, Tweed, Wadsworth—21.

So the resolution was rejected.

On motion of Mr. Mandeville, the rules were suspended and Assembly Bill No. 712—An Act concerning non-residents, the liabilities of their agents and others—was taken from the file.

On motion of Mr. Shaw, the bill was laid on the table.

Mr. Hager had leave to introduce the following resolution :

Resolved, That the Enrolling Clerk be directed not to enrol Senate Bill No. 434, the same not having passed the Senate.

Pending action on the foregoing resolution, the hour arrived for the usual daily recess.

AFTERNOON SESSION.

The Senate reassembled at two o'clock P. M.

President pro tem. in the chair.

Roll called.

Quorum present.

The rules were suspended and Mr. Morrill offered a resolution giving extra pay to the Copying Clerks of the Senate.

Referred to the Committee on Contingent Expenses.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,
March 28th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, under a suspension of the rules, Assembly Bill No. 782—An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.

W. S. BYRNE,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, under suspension of the rules, passed Assembly Bill No. 781—An Act supplemental to an Act entitled an Act to prevent hogs running at large in the County of Contra Costa.

Also, substitute for Assembly Bill No. 146—An Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways in this State.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed, under suspension of the rules, Assembly Bill No. 517 (substitute for Senate Bills Nos. 105, 122, 191 and 369).

Also passed, under suspension of the rules, Senate Bill No. 310—An Act to amend an Act concerning the military of the State of California, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 411—An Act supplementary to an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

W. S. BYRNE,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day concurred in Senate Concurrent Resolution No. 67, to aid in developing the navigability of the Colorado River.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 273—An Act to provide a law library for the Supreme Court.

W. S. BYRNE,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: The Assembly amended and passed Senate Bill No. 131—An Act to fix the compensation of the District Attorney of the County of Santa Cruz, and to repeal all former Acts in relation thereto.

Also, refused to pass Senate Bill No. 416—An Act to promote the study of anatomy, and to repeal existing laws upon the subject.

Also, indefinitely postponed Senate Bill No. 145—An Act defining the boundary line between the Counties of Santa Barbara and San Luis Obispo.

Also adopted, Senate Concurrent Resolution No. 70, relating to suspending Joint Rule Number Fifteen.

Also, adopted, Assembly Concurrent Resolution No. 68, requesting the return of Assembly Bill No. 525 by the Governor.

Also, passed Senate Bill No. 564—An Act to legalize assessments and to provide for the collection of delinquent taxes in the several counties of this State.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: The Assembly have this day passed Senate Bill No. 493—An Act to aid in giving effect to an Act of Congress relating to the California and Oregon Railroad Company.

J. R. BEARD,
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 782, above reported, was read first time.

Second reading objected to.

Mr. Mandeville moved to suspend the rules and read the bill a second time.

Whereupon Messrs. Tubbs, Mandeville and Ewer demanded the ayes and noes.

The vote was as follows:

AYES—Messrs. Belden, Conly, Curtis, Freeman, Green, Hardy, Hunter, Johnson, Kincaid, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Rose, Tweed, Wolcott—23.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Hager, Heacock, Lewis, Murch, Saunders, Teegarden, Tubbs, Wadsworth—12.

So the motion was lost, it requiring a two thirds vote.

Mr. Pratt raised a point of order, that it did not require a two thirds vote to order a bill read a second time after objections were made to the same.

The President ruled that a bill could not be read a second time on the same day (when objected to) without a suspension of the rules.

Mr. Pratt appealed to the Senate, and subsequently withdrew the same.

Assembly Bill No. 444, above reported, read first and second times.

Mr. Tubbs raised a point of order, that the bill was properly No. 96 on the general file, and could not be taken up by a majority vote.

The President ruled that the bill was properly in Assembly messages, and having been transmitted from the Assembly to the Senate was before the Senate for their consideration.

Mr. Mandeville moved the previous question.

Lost.

After considerable discussion, Mr. Shaw moved the previous question.

The main question was then ordered, the ayes and noes having been demanded by Messrs. Tubbs, Heacock and Shaw.

The vote was as follows:

AYES—Messrs. Chappell, Freeman, Green, Hardy, Lawrence, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Rose, Shaw, Teegarden, Tweed, Wolcott—19.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hager, Heacock, Hunter, Johnson, Lewis, Murch, Pearce, Roberts, Robinson, Saunders, Tubbs, Wadsworth—17.

On the question, Shall the decision of the President stand as the judgment of the Senate? Messrs. Hager, Tubbs and Saunders demanded the ayes and noes, with the following result:

AYES—Messrs. Belden, Conly, Curtis, Freeman, Green, Hardy, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Pendegast, Pratt, Rose, Tweed, Wolcott—23.

NOES—Messrs. Beach, Bradley, Chappell, Ewer, Hager, Heacock, Roberts, Robinson, Saunders, Teegarden, Tubbs, Wadsworth—12.

So the decision of the President was sustained.

The bill was then passed by the following vote, the ayes and noes having been demanded by Messrs. Tubbs, Johnson and Hager:

AYES—Messrs. Belden, Curtis, Freeman, Green, Hardy, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Rose, Tweed, Wolcott—20.

NOES—Messrs. Beach, Bradley, Chappell, Conly, Ewer, Hager, Hea-

cock, Hunter, Johnson, Murch, Roberts, Robinson, Saunders, Teegarden, Tubbs, Wadsworth—16.

Mr. Hardy moved to take up Assembly Bill No. 281—An Act to authorize George Hearst, Louis Schloss, S. W. Glazier, W. A. Bolinger and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City of San Francisco.

Messrs. Murphy, Lewis and Hardy demanded the ayes and noes on suspending the rules.

The vote was as follows :

AYES—Messrs. Belden, Bradley, Curtis, Ewer, Freeman, Green, Hardy, Heacock, Hunter, Lawrence, Lewis, Maclay, Morrill, Murch, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Teegarden, Wolcott—22.

NOES—Messrs. Beach, Chappell, Conly, Johnson, Kincaid, Mandeville, McDougall, Mizner, Murphy, Saunders, Shaw, Tweed, Wadsworth—13.

So the motion was lost, it requiring a two thirds vote.

Mr. Pearce moved to take up Senate Bill No. 589—An Act to repeal an Act entitled an Act to authorize the extension and maintenance of a wharf in the County of Santa Cruz, approved March twenty-third, eighteen hundred and sixty-eight.

The ayes and noes were demanded by Messrs. McDougall, Mandeville and Murphy, with the following result :

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Hager, Hardy, Heacock, Hunter, Johnson, Kincaid, Lawrence, Mizner, Murch, Pearce, Perley, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—23.

NOES—Messrs. Chappell, Conly, Freeman, Green, Maclay, Mandeville, McDougall, Murphy, Pendegast, Pratt, Shaw—11.

So the motion was carried.

The rules were suspended, the bill taken up, and the rules being further suspended, the bill was considered engrossed, read third time and passed—and twelfth rule suspended.

On motion of Mr. Curtis, Senate Bill No. 434—An Act to amend an Act entitled an Act to provide for the incorporation of Mutual Insurance Companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six—was taken up.

The bill having been inadvertently transmitted to the Assembly without having been passed, or if passed, not indorsed to that effect—was read third time and passed.

On motion of Mr. Murphy, Assembly Bill No. 456—An Act granting to the Market Street Railway Company of San Francisco certain rights therein named—was taken up.

The bill having been read a third time, on its passage the ayes and noes were demanded by Messrs. Pearce, Belden and Lewis, and the bill passed by the following vote :

AYES—Messrs. Belden, Bradley, Chappell, Conly, Curtis, Freeman, Hager, Heacock, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Perley, Pratt, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Wadsworth, Wolcott—29.

No—Mr. Lawrence—1.

Mr. Hager moved to take up Assembly Bill No. 625—An Act to authorize the Board of Supervisors to order a re-survey of the lines of Nevada street, in the City and County of San Francisco.

The ayes and noes were demanded by Messrs. Pratt, Murch and Chappell, and the rules were suspended and the bill taken up by the following vote :

AYES—Messrs. Beach, Belden, Bradley, Ewer, Green, Hager, Hardy, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Pearce, Pendegast, Perley, Roberts, Robinson, Rose, Saunders, Tweed, Wadsworth, Wolcott—25.

NOES—Messrs. Chappell, Conly, Freeman, Heacock, Mizner, Murch, Murphy, Pratt, Shaw—9.

Mr. Shaw offered the following amendment : Add to section two :

“ Provided, however, that nothing in this Act shall be construed to authorize or direct that any private property shall be taken without compensation.”

Mr. Hager moved the previous question.

Sustained.

On ordering the main question the ayes and noes were demanded by Messrs. Belden, Pearce and Hardy, and it was ordered by the following vote :

AYES—Messrs. Chappell, Conly, Freeman, Green, Hager, Hardy, Kincaid, Lawrence, Maclay, Mizner, Morrill, Pendegast, Perley, Pratt, Roberts, Saunders, Shaw, Teegarden, Wolcott—19.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Heacock, Hunter, Johnson, Lewis, Mandeville, Pearce, Rose, Tweed, Wadsworth—14.

On the passage of the bill, Messrs. Heacock, Belden and Hardy demanded the ayes and noes, and the bill passed by the following vote :

AYES—Messrs. Beach, Belden, Bradley, Curtis, Ewer, Green, Hager, Hardy, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murphy, Pearce, Pendegast, Roberts, Rose, Wadsworth, Wolcott—23.

NOES—Messrs. Freeman, Heacock, Mizner, Saunders, Shaw, Teegarden, Tweed—7.

The rules were suspended, on motion of Mr. Pearce, and the Senate took up Assembly Bill No. 213 (substitute for Senate Bill No. 90)—An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors.

The previous question was moved by Mr. Shaw, and the demand being sustained, the bill was read a third time and passed.

The rules were suspended, and Mr. Green offered the following :

Resolved, That John H. Roberts be allowed four days pay for services at the Secretary's desk, at the rate per diem paid to Copying Clerks, payable out of the Contingent Fund of the Senate.

Adopted.

The rules were again suspended, and Mr. Heacock introduced the following:

Resolved. That one week's extra pay be allowed to Charles Barnes, Minute Clerk; G. W. Dixon and Martin Rowan, payable out of the Contingent Fund of the Senate.

Adopted.

On motion of Mr. Shaw, the rules were suspended, and Assembly Bill No. 104—An Act more clearly to define the boundaries of the County of San Diego, and to amend an Act entitled an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one—was taken from the file, read a third time and passed.

At five o'clock P. M., the Senate adjourned.

EVENING SESSION.

The Senate was called to order at seven o'clock P. M.

President in the chair.

Roll called.

Quorum present.

MOTIONS AND RESOLUTIONS.

The rules were suspended for the introduction of the following resolutions:

By Mr. Heacock:

Resolved. That G. L. Johnson be allowed the sum of sixty-five dollars, for services performed in writing up the Journal, as follows: March sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and thirtieth—thirteen days, at five dollars per day, sixty-five dollars—payable out of the Contingent Fund of the Senate; and that the State Controller draw his warrant on the State Treasurer for said amount in favor of said Johnson.

Adopted.

By Mr. Mizner:

Resolved. That L. Hubbard be paid the sum of one hundred and fifty dollars, for services rendered as Clerk of the Joint Hospital Committee, from March first to March thirtieth, eighteen hundred and sixty-eight, at the rate of five dollars per day—thirty days—one half to be paid out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly.

Adopted.

On motion of Mr. Mandeville, the rules were suspended and Assembly Bill No. 783—An Act to amend an Act entitled an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in the State, etc.—was taken up, read a third time and passed.

By Mr. Beach:

Resolved, That the Joint Clerk to the Committees on Finance and Claims be allowed two dollars per day extra, for the last thirty days of the session, payable out of the Contingent Fund of the Senate.

The ayes and noes were demanded on the adoption of the resolution by Messrs. Chappell, Beach and Hardy.

The vote was as follows:

AYES—Messrs. Beach, Belden, Chappell, Curtis, Freeman, Green, Hager, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pendegast, Perley, Pratt, Roberts, Rose, Saunders, Teegarden, Tweed, Wolcott—27.

NOES—Messrs. Bradley, Hardy, Murch, Shaw, Tubbs—5.

So the resolution was adopted.

By Mr. Belden:

Resolved, That twenty-one dollars be allowed to Robert Beaty for one week's services as Post Office Clerk after the adjournment of the session, the same to be paid from the Contingent Fund of the Senate.

Adopted.

By Mr. Lewis:

Resolved, That John E. Dent, Journal Clerk of the Senate, be and is hereby allowed four days extra pay for writing up the Journal of the Senate after the adjournment of the present Legislature; and when so written up he shall deliver the same to the Secretary of State; and the Controller of State is hereby authorized to draw his warrant therefor, payable out of the appropriation for contingent expenses of the Senate.

Adopted.

By Mr. Heacock:

Resolved, That the Clerk to the Sergeant-at-Arms be and is hereby allowed the usual per diem for one week after the close of the session, for settling up the affairs of the office, and that the Controller be instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Wadsworth, Chairman of the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT: The Committee on Contingent Expenses, have examined and find correct the following accounts, to wit:

To whom due.	Amount.
Stockton Gazette (eight copies).....	\$32 00
California Farmer (six copies).....	18 00
San Mateo Gazette (one copy).....	3 00
H. Wachhorst (taking care of clock in Senate Chamber).....	10 00
Total.....	\$63 00

And recommend the adoption of the following resolution :

Resolved, That the Controller of State be directed to draw his warrants on the Contingent Fund of the Senate in favor of the foregoing named parties for the amounts specified, and the Treasurer pay the same.

WADSWORTH, Chairman.

The above resolution was taken up and adopted.

Mr. Wadsworth, Chairman of Committee on Contingent Expenses, made the following report :

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred Senate resolution relative to paying L. Hubbard the sum of one hundred and fifty dollars, for services as Clerk of the Hospital Committee, have had the same under consideration, and beg leave to report the same back, with a substitute, and recommend the adoption of the substitute.

WADSWORTH, Chairman.

The above resolution was adopted.

Mr. Wadsworth, Chairman of Committee on Contingent Expenses, made the following report :

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred Senate resolution relative to paying A. W. Perley and R. S. Marston two hundred and forty dollars each, for services in copying the minutes of the Senate for the printer, have had the same under consideration, report it back and recommend its adoption.

WADSWORTH, Chairman.

The above resolution was adopted.

By Mr. Murch :

Resolved, That William H. Payne, R. R. Patton, Thomas Baker, Dana Parks, Edw. Vanderlip, W. C. Guirey, John McCord, J. C. Hinkley, Frank Richardson, William Sexton and Thomas Merry be and are hereby allowed three days extra pay each, for night work, as Assistant Enrolling Clerks of the Senate. The Controller of State is hereby authorized and required to draw his warrants therefor, and the State Treasurer to pay the same out of the Contingent Fund of the Senate.

Adopted.

By Mr. Pratt:

Resolved, That S. Mahoney be allowed one dollar for each day from the beginning of the session, extra pay, for services as Assistant Sergeant-at-Arms, or Doorkeeper of the Senate, and that the Controller be authorized to draw his warrant for said sum, and the Treasurer to pay the same out of the Contingent Fund of the Senate.

Adopted.

REPORTS.

Mr. Murch, Chairman the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 273—An Act to provide a law library for the Supreme Court;

Also, Senate Bill No. 482—An Act entitled an Act to ratify and confirm a certain contract made by the Board of Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same;

Also, Senate Bill No. 493—An Act to aid in giving effect to an Act of Congress relating to the California and Oregon Railroad Company;

Also, substitute for Senate Bill No. 404—An Act for the relief of Robert M. Folger;

Also, Senate Bill No. 310—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April second eighteen hundred and sixty-six;

Also, substitute for Senate Bill No. 476—An Act for the relief of W. R. Crawford;

Also, Senate Bill No. 370—An Act for the relief of Mary Likens and others;

Also, Senate Bill No. 434—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six;

And this day, at five o'clock P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named;

Also, Senate Bill No. 411—An Act supplementary to an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six;

Also, Senate Bill No. 564—An Act to legalize assessments and to provide for the collection of delinquent taxes in the several counties of this State;

Also, substitute for Senate Bill No. 146—An Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State;

Also, Senate Concurrent Resolution No. 67, relative to aid in developing the navigation of the Colorado River.

And this day, at two o'clock and forty-five minutes p. m., presented the same to the Governor for his approval.

MURCII, Chairman.

RESOLUTIONS.

On motion of Mr. Pratt, the following resolution was taken from the table, amended, and adopted as amended :

Resolved, That the porters, pages, fireman, messenger and all other officers and attachés of the Senate, who have not already received extra pay, be and the same are hereby allowed one dollar per day each, additional pay, from the date of their appointment, payable out of the Contingent Fund of the Senate, and the Controller of State is hereby authorized and directed to draw his warrant and the State Treasurer is authorized to pay the same.

Messrs. Tubbs, Hardy and Tweed demanded the ayes and noes on the adoption of the resolution :

The vote was as follows :

AYES—Messrs. Chappell, Conn, Ewer, Freeman, Green, Hager, Hunter, Kincaid, Lawrence, MacIay, McDougall, Mizner, Murphy, Pearce, Pendergast, Perley, Pratt, Rose, Saunders, Tweed, Wadsworth—21.

NOES—Messrs. Beach, Bradley, Conly, Curtis, Hardy, Heacock, Johnson, Lewis, Morrill, Murch, Robinson, Shaw, Teegarden, Tubbs, Wolcott—15.

Mr. Murch introduced a concurrent resolution extending the provisions of rule fifteen.

Adopted.

Mr. Hardy, from the Committee on Finance, reported the following account, with accompanying resolution :

SACRAMENTO, March 30, 1868.

California Senate, 17th session :

To F. S. Lardner, Dr.

March 10th, To making thirteen arrests.....	\$26 00
March 11th, To making seven arrests.....	14 00

Resolved, That F. S. Lardner, Sergeant-at-Arms of the Senate, be and is hereby allowed forty (\$40) dollars for making arrests in compliance with calls of the Senate, on the tenth and eleventh of March; and that the Controller be instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

The resolution was adopted.

By Mr. Hardy.

Resolved, By the Senate, the Assembly concurring, that Joint Resolution No. 15, relating to presenting bills to the Governor, be suspended for the purpose of considering Assembly Bill No. 281, entitled an Act to authorize George Hearst and others to construct gas works in the City of San Francisco.

Lost.

Mr. Shaw moved to lay the resolution on the table.

Whereupon Messrs. Tubbs, Pendegast and Hardy demanded the ayes and noes, with the following result :

AYES—Messrs. Belden, Bradley, Chappell, Conly, Hunter, Johnson, Mandeville, McDougall, Murch, Murphy, Saunders, Shaw, Tubbs, Tweed, Wadsworth—15.

NOES—Messrs. Curtis, Ewer, Freeman, Green, Hardy, Heacock, Kincaid, Lawrence, Lewis, Mizner, Morrill, Pendegast, Perley, Pratt, Roberts, Robinson, Teegarden, Wolcott—18.

The resolution was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Shaw moved to take up Assembly Bill No. 281—An Act to authorize George Hearst, Louis Schloss, S. W. Glazier, W. A. Bolinger and Frank M. Pixley, their associates and assigns, to construct gas works and lay down gas pipes in the City of San Francisco.

Mr. Lewis raised a point of order that it would require a two thirds vote to take up the bill.

The President pro tem. (Mr. Mizner) decided the point of order not well taken, under the ruling of the Senate a few days since.

Mr. Lewis appealed, and on sustaining the decision of the President Messrs. Hardy, Lewis and Shaw demanded the ayes and noes, with the following result :

AYES—Messrs. Freeman, Kincaid, Lawrence, Maclay, Mizner, Morrill, Pendegast, Perley, Pratt, Teegarden, Wolcott—11.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conly, Curtis, Ewer, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lewis, Mandeville, McDougall, Murphy, Pearce, Roberts, Robinson, Rose, Saunders, Shaw, Tubbs, Tweed, Wadsworth—26.

Mr. Pendegast moved to reconsider the vote whereby the Senate adopted a resolution allowing extra pay to Pages, Porters, etc.

Messrs. Hardy, Pendegast and Saunders demanded the ayes and noes, and the motion to reconsider was lost by the following vote :

AYES—Messrs. Beach, Belden, Bradley, Conly, Ewer, Hager, Hardy, Mandeville, McDougall, Morrill, Murch, Roberts, Robinson, Shaw, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—19.

NOES—Messrs. Chappell, Curtis, Freeman, Green, Heacock, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mizner, Murphy, Pearce, Pendegast, Perley, Pratt, Rose, Saunders,—19.

Mr. Pearce moved to suspend the rules and take up Senate Concurrent Resolution No 15, in regard to the electoral votes of States under the Reconstruction Acts of Congress.

Messrs. Pearce, Hardy and Johnson demanded the ayes and noes, and the motion was lost by the following vote :

AYES—Messrs. Curtis, Freeman, Hager, Hunter, Johnson, Kincaid,

Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murphy, Pearce, Pendegast, Rose, Saunders, Shaw—18.

NOES—Messrs. Beach, Belden, Bradley, Chappell, Conley, Ewer, Green, Hardy, Heacock, Mizner, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Tweed, Wadsworth, Wolcott—20.

Mr. Rose moved to suspend the rules and take up the following resolution, introduced by Mr. Mandeville:

Resolved, That Messrs. — — are hereby appointed a committee to examine the books, accounts and vouchers, of the State Treasury and Controllers's office, also the State Capitol Commissioners and Adjutant-General's office; and that they have power to make such examination at any time prior to September first, eighteen hundred and sixty-eight, and report the result of the same to the Governor. Said committee shall be allowed the per diem of Senators for the time employed in such examination, payable out of any appropriation for the payment of the per diem and mileage of Senators, and are authorized to employ a Clerk, who shall receive eight dollars per day during the time of his service, payable out of any appropriation for the payment of the officers and clerks of the Senate.

The ayes and noes were demanded by Messrs. Hardy, Shaw and Mandeville, with the following result:

AYES—Messrs. Beach, Bradley, Conly, Curtis, Freeman, Green, Hunter, Johnson, Kincaid, Lewis, Maclay, Mandeville, McDougall, Mizner, Morrill, Murphy, Pearce, Rose, Saunders, Shaw, Tweed, Wolcott—22.

NOES—Messrs. Belden, Chappell, Hardy, Heacock, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth—12.

The President pro tem. declared the motion lost.

Mr. Mandeville raised a point of order, that it only required a majority vote to take any subject matter from the table or unfinished business.

The President pro tem. ruled the point of order not well taken.

The President pro tem. subsequently reversed his ruling, and Mr. Murch appealed to the Senate.

Messrs. Curtis, Shaw and Murch demanded the ayes and noes on sustaining the Chair, with the following result:

AYES—Messrs. Beach, Bradley, Curtis, Freeman, Green, Hunter, Johnson, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Murphy, Pearce, Roberts, Rose, Saunders, Shaw, Wolcott—20.

NOES—Messrs. Chappell, Ewer, Hardy, Heacock, Murch, Pratt, Robinson, Teegarden, Tubbs, Tweed, Wadsworth—11.

Messrs. Hunter, Murch and Bradley demanded the ayes and noes on the adoption of a pending amendment offered by Mr. Pearce, to strike out "September," and insert in lieu thereof the word "July," and it was adopted by the following vote:

AYES—Messrs. Belden, Bradley, Chappell, Ewer, Green, Hardy, Heacock, Johnson, Lewis, Mizner, Morrill, Murch, Perley, Pratt, Roberts, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—20.

NOES—Messrs. Beach, Curtis, Freeman, Hunter, Kincaid, Lawrence,

Maclay, Mandeville, McDougall, Murphy, Pearce, Rose, Saunders, Shaw, Tweed—15.

Mr. Heacock offered the following amendment, which was adopted: Amend by filling the blank with Messrs. Roberts, Mandeville and Beach.

Mr. Pearce offered the following amendment: Strike out all that part of the resolution relating to pay of the committee.

Messrs. Murch, Wadsworth and Green demanded the ayes and noes on the adoption of the amendment, and it was adopted by the following vote:

AYES—Messrs. Bradley, Curtis, Freeman, Green, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Mizner, Murphy, Pearce, Pendegast, Perley, Rose, Saunders, Shaw, Tweed—20.

NOES—Messrs. Belden, Chappell, Ewer, Hardy, Heacock, Johnson, Murch, Pratt, Robinson, Teegarden, Tubbs, Wadsworth, Wolcott—13.

The resolution, as amended, was then adopted.

On motion of Mr. Hardy, the Senate took up Assembly Concurrent Resolution No. 70, relative to the property belonging to the Geological Department of this State.

Concurred in.

Mr. Pendegast offered the following resolution:

Resolved, That M. H. Lund, L. H. Fuller, J. H. Roberts, W. H. Robins and F. Harrison, Engrossing Clerks, be and are hereby allowed three days extra pay for working nights during the last week of the session; and the Controller is hereby authorized to draw his warrant on the Contingent Fund of the Senate for the same.

Adopted.

Mr. Pratt moved to take from the table the motion of Mr. Belden to reconsider the vote whereby the Senate refused to order substitute for Assembly Bill No. 300—An Act to release the owners of encumbered real estate from double taxation—to a third reading.

Mr. Lewis raised a point of order, that the bill was not before the Senate, for the reason that the Senate had adopted a rule that no legislative business should be transacted after five o'clock p. m.

The President ruled the point of order not well taken.

Mr. Pratt moved the previous question.

Not seconded.

Mr. Beach moved a call of the Senate.

Whereupon Messrs. Hardy, Beach and Bradley demanded the ayes and noes, and the Senate so ordered by the following vote:

AYES—Messrs. Beach, Belden, Bradley, Chappell, Curtis, Ewer, Freeman, Green, Hager, Hardy, Heacock, Hunter, Johnson, Lewis, Maclay, Mizner, Morrill, Pearce, Pendegast, Roberts, Robinson, Saunders, Teegarden, Tubbs, Wadsworth, Wolcott—26.

NOES—Messrs. Kincaid, Lawrence, McDougall, Murch, Murphy, Perley, Shaw, Tweed—8.

On calling the roll, Mr. Rose was found absent without leave.

Mr. Pratt moved to dispense with further proceedings under the call, which the Senate agreed to by the following vote, the ayes and noes having been demanded by Messrs. Pratt, Green and Johnson.

AYES—Messrs. Chappell, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw, Tubbs, Wolcott—18.

NOES—Messrs. Beach, Belden, Bradley, Curtis, Hardy, Heacock, Hunter, Johnson, Lewis, Pearce, Roberts, Robinson, Rose, Teegarden, Tweed, Wadsworth—16.

Messrs. Pratt, Shaw and Hardy demanded the ayes and noes on taking the motion from the table, with the following result:

AYES—Messrs. Chappell, Freeman, Green, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murphy, Pendegast, Perley, Pratt, Saunders, Shaw, Wolcott—16.

NOES—Messrs. Murch, Tubbs—2.

No quorum voting.

On motion of Mr. Pratt, the whole subject matter was indefinitely postponed.

Mr. Heacock offered the following resolution:

Resolved, That Hiram Clock be allowed pay as Porter, from the twenty-fifth day of December, eighteen hundred and sixty-seven, to the twenty-ninth day of January, eighteen hundred and sixty-eight, to be paid out of the Contingent Fund of the Senate; and that the Controller draw his warrant upon the Treasurer of State therefor, and that the Treasurer pay the same.

Adopted.

REPORT.

Mr. Murch, Chairman of the Committee on Enrolment, made the following report:

MR. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled, Senate Bill No. 573—An Act to authorize John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale;

Also, Senate Bill No. 312—An Act to amend an Act to divide the State into judicial districts, approved April twenty-fifth, eighteen hundred and sixty-three;

Also, Senate Bill No. 517—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six;

Also, proposed amendments to the Constitution;

And this day, at eight o'clock P. M., presented the same to the Governor for his approval.

MURCH, Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 26th, 1868. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 396—An Act to create a Contingent Fund for the County of Kern.

Also, Senate Bill No. 418—An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 295—An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

Also, Senate Bill No. 367—An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County, approved January eleventh, eighteen hundred and sixty-six.

Also, Senate Bill No. 528—An Act amendatory of and supplemental to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, Senate Bill No. 551—An Act in relation to the sureties on the official bond of Thomas Norwood, late Treasurer of Tuolumne County.

Also, Senate Bill No. 226—An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three, approved March twenty-second, eighteen hundred and sixty-six.

Also, Senate Bill No. 243—An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Also, Senate Bill No. 420—An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador, and to prescribe the manner of paying the same.

Also, Senate Bill No. 450—An Act to authorize the Trustees of the City of Petaluma and their successors in office to execute a certain trust.

Also, Senate Bill No. 453—An Act for the relief of the Common School Fund of Butte County.

Also, Senate Bill No. 548—An Act to authorize the Board of Supervisors of Tulare County to re-district the County of Tulare into Supervisor Districts.

Also, substitute for Senate Bill No. 226—An Act to ratify and confirm a certain assignment made by the Folsom Street and Fort Point Railroad Company to the Front Street, Mission and Ocean Railroad Company.

Also, Senate Bill No. 529—An Act amendatory of and supplemental to

an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

Also, Senate Bill No. 395—An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures.

Also, Senate Bill No. 214—An Act concerning roads and highways in the County of San Mateo.

Also, Senate Bill No. 334—An Act creating the office of Insurance Commissioner, and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stock as security for transacting business in this State.

Also, Senate Bill No. 335—An Act prescribing certain conditions for the transaction of insurance business in the State of California.

Also, Senate Bill No. 355—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund a part of the debt of said County of Solano, and other matters relating to said railroad company.

Also, Senate Bill No. 407—An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two.

Also, Senate Bill No. 40—An Act to cede certain property to the Town of Crescent City.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
Sacramento, March 26th, 1868. }

To the Senate of the State of California :

In compliance with Senate Concurrent Resolution No. 69, I herewith return to your honorable body Senate Bill No. 569—An Act to provide for the appointment of a Sheriff for the County of Trinity, to fill the vacancy caused by the death of James Cochran.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
Sacramento, March 20th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 410—An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Also, Senate Bill No. 519—An Act to authorize Elijah Beebe to con-

struct a chute and moorings and charge and collect toll for the use thereof.

Also, Senate Bill No. 97—An Act to amend an Act entitled an Act to regulate proceeding in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 506—An Act to authorize the Board of Supervisors of El Dorado County to appropriate money for the relief of David L. Britton.

Also, Senate Bill No. 258—An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

Also, Senate Bill No. 276—An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

Also, Senate Bill No. 459—An Act to authorize Lyman Leslie, Paul K. Hubbs and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano.

Also, Senate Bill No. 510—An Act to authorize John B. Ward and his associates to construct and maintain a wharf in Santa Barbara County.

Also, Senate Bill No. 320—An Act for the encouragement of silk culture in this State.

Also, Senate Bill No. 223—An Act to amend an Act entitled an Act to amend an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 242—An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, eighteen hundred and fifty, and the several Acts amendatory thereto.

Also, Senate Bill No. 237—An Act to authorize certain persons to remove improvements placed upon public lands, after said lands have become private property.

Also, Senate Bill No. 592—An Act to provide for changing the corporate name of the First Congregational Church of the City of Oakland, and ratifying and confirming the acts of its Trustees.

Also, Senate Bill No. 435—An Act to authorize William Bihler to construct a wharf on Petaluma Creek.

Also, Senate Bill No. 388—An Act to confer power upon the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 501—An Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals, and herds of hogs, in the counties of Tuolumne and Calaveras.

Also, Senate Bill No. 461—An Act to extend the time within which to complete a wagon road.

Also, Senate Bill No. 142—An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, approved April fourth, eighteen hundred and sixty-four.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT. }
 Sacramento, March 27th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 575—An Act requiring the Controller of State to transfer certain funds.

Also, Senate Bill No. 155—An Act to provide for the payment of interpreters in the Courts of justice in criminal cases in San Mateo County.

Also, Senate Bill No. 293—An Act to amend an Act entitled an Act amendatory of article four of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty six to sixty-four, inclusive, and all Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved the twenty-fifth day of April, eighteen hundred and sixty two.

Also, Senate Bill No. 397—An Act to provide for funding the debt of the Road Fund of Tulare County.

Also, Senate Bill No. 531—An Act to refund the funded debt of the County of San Bernardino.

Also, Senate Bill No. 523—An Act to amend an Act entitled an Act to provide a fund for the redemption of, and prescribing the manner of redeeming, the outstanding county warrants drawn upon the Treasurer of Tuolumne County, and further to provide for the payment of the current expenses of said Tuolumne County, in cash, approved February twelfth, eighteen hundred and sixty-three.

Also, Senate Bill No. 360—An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

Also, Senate Bill No. 515—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Also, Senate Bill No. 582—An Act to confer additional powers on the Board of Supervisors of Mendocino County.

Also, substitute for Senate Bill No. 268—An Act to provide for an open canal through Channel street, in the City and County of San Francisco.

Also, Senate Bill No. 559—An Act to fix the compensation of the County Sheriff of the County of San Luis Obispo.

Also, substitute for Senate Bill No. 467—An Act to provide for the relief of C. C. Townsend.

Also, Senate Bill No. 358—An Act to provide for refunding of the funded debt of Siskiyou County, California.

Also, Senate Bill No. 72—An Act to define and settle the limits and boundaries of the County of Marin.

Also, Senate Bill No. 400—An Act to amend an Act to prescribe the duties and provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, March 28th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 577—An Act relating to roads in the County of Colusa.

Also, Senate Bill No. 230—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Also, Senate Bill No. 537—An Act to transfer certain moneys to the Common School Fund of the County of Siskiyou.

Also, substitute for Senate Bill No. 23—An Act granting certain rights and water privileges to the California Dry Dock Company.

Also, Senate Bill No. 262—An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three.

Also, Senate Bill No. 594—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county.

Also, Senate Bill No. 260—An Act to appropriate money for the purchase of safes for the State Treasurer's office.

Also, Senate Bill No. 463—An Act to provide for the appointment of phonographic reporters in certain counties in this State.

Also, Senate Bill No. 234—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 490—An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama, and to provide for the collection of taxes therein.

Also, Senate Bill No. 394—An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Senate Bill No. 597—An Act amendatory of and supplementary to an Act entitled an Act to establish and maintain an Alms House and Hospital in the City and County of San Francisco, approved March tenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 593—An Act to authorize the California Pacific Railroad Company to extend its road to Suscol, in Napa County, and receive subscription to its capital stock, and other matters relating thereto.

Also, Senate Bill No. 516—An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo.

Also, Senate Bill No. 565—An Act to provide funds to pay the floating debt of Butte County.

Also, Senate Bill No. 454—An Act to repeal certain Acts concerning hogs running at large in Amador County.

Also, Senate Bill No. 162—An Act to provide for choosing Electors of President and Vice President of the United States.

Also, Senate Bill No. 296—An Act to authorize the sale and convey-

ance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco.

Also, Senate Bill No. 188—An Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish the grades of streets and avenues in certain districts in said city and county.

Also, substitute for Senate Bill No. 316—An Act to provide for the collection of the revenue in and for the County of Napa.

Also, Senate Bill No. 494—An Act to provide terminal depot grounds for the Terminal Central Pacific Railway Company.

Also, Senate Bill No. 120—An Act to provide for the revision and compilation of the laws of the State of California, and the publication thereof.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 28th, 1868. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 487—An Act to authorize the Italian Mutual Benevolent Association to change its name.

Also, Senate Bill No. 488—An Act to authorize the Board of Supervisors of the County of Sacramento to audit and allow a certain claim.

Also, Senate Bill No. 446—An Act to provide for the collection of delinquent school taxes and legalizing assessments and school elections held in school districts in the County of Marin.

Also, Senate Bill No. 507—An Act to provide for the payment of the State's portion of the salaries of the County Auditors in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda.

Also, Senate Bill No. 339—An Act to authorize the establishment of a Board of Health in the City of Sacramento.

Also, Senate Bill No. 474—An Act to authorize Jerome B. Ford and his associates to construct and maintain a wharf in Mendocino County.

Also, Senate Bill No. 588—An Act further to provide for the ratification and confirmation of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same.

Also, Senate Bill No. 440—An Act to reincorporate the City of Petaluma.

Also, Senate Bill No. 492—An Act in relation to the duties of Assessor and Collector of Tuolumne County.

Also, Senate Bill No. 366—An Act to provide for the payment of Mrs. E. Wright, salary due her as teacher in Jefferson School District Number One, in San Mateo County.

Also, Senate Bill No. 483—An Act to amend an Act entitled an Act in relation to roads and Road Masters in Solano County, approved March twenty-second, eighteen hundred and sixty-four.

Also, Senate Bill No. 526—An Act to authorize the Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company, in said townships, in the year eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year.

Also, Senate Bill No. 561—An Act to repeal an Act entitled an Act

regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 414—An Act to incorporate the Town of Redwood City.

Also, Senate Bill No. 185—An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

Also, Senate Bill No. 387—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco.

H. H. HAIGHT, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 30th, 1868. }

To the Senate of the State of California :

I have to inform your honorable body that I have approved Senate Bill No. 478—An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries.

Also, Senate Bill No. 433—An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

Also, Senate Bill No. 572—An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their powers and duties, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 285—An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals.

Also, Senate Bill No. 217—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 556—An Act to aid in carrying out the provisions of an Act of Congress relative to the Stockton and Copperopolis Railroad Company.

Also, Senate Bill No. 539—An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven.

Also, substitute for Senate Bill No. 178—An Act amendatory of and supplementary to an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six.

Also, Senate Bill No. 496—An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of this State, certain rights and privileges.

Also, Senate Bill No. 353—An Act to authorize the sale and conveyance to William Dunphy, George D. Bliss and Peter McCann, and their associates and assigns, of certain overflowed lands, and to carry on the

business of slaughtering beef cattle, hogs, sheep and calves thereon, within the limits of the City and County of San Francisco.

Also, substitute for Senate Bill No. 146—An Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State.

Also, Senate Bill No. 138—An Act granting to the Omnibus Railroad Company certain rights therein named.

Also, Senate Bill No. 411—An Act supplementary to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 310—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 485—An Act for the relief of Anna Lee.

Also, Senate Bill No. 393—An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suseol, in the County of Napa.

Also, Senate Bill No. 421—An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in San Mateo County.

Also, substitute for Senate Bill No. 469—An Act to provide for the inmates of the State Reform School.

Also, Senate Bill No. 482—An Act entitled an Act to ratify and confirm a certain contract made by the Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same.

Also, Senate Bill No. 434—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 472—An Act for the relief of David L. Britton.

Also, Senate Bill No. 273—An Act to provide a law library for the Supreme Court.

Also, Senate Bill No. 312—An Act to amend an Act to divide the State into judicial districts, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Senate Bill No. 541—An Act supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

Also, Substitute for Senate Bill No. 475—An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-two.

Also, Substitute for Senate Bill No. 382—An Act to authorize the construction of a tramroad, or railroad, in the County of Santa Clara.

Also, Senate Bill No. 442—An Act to confer certain powers upon the Board of State Harbor Commissioners.

Also, Senate Bill No. 493—An Act to aid in giving effect to an Act of Congress relating to the California and Oregon Railroad Company.

Also, Senate Bill No. 517—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 424—An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect tolls for travel thereon, passed March first, eighteen hundred and sixty-four.

Also, Senate Bill No. 336—An Act to authorize the guardian of Minnie Locke, Belle Locke, and Willis H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

Also, Senate Bill No. 89—An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, deceased, to sell certain real estate of said deceased.

Also, Senate Bill No. 136—An Act to authorize Montgomery Godley, the administrator, with the will annexed, of the estate of Charles G. McChesney, deceased, to sell certain lands belonging to the estate of said deceased.

Also, Senate Bill No. 36—An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juana Castro, deceased, to sell certain real estate of said infant heirs.

Also, Senate Bill No. 67—An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

Also, Senate Bill No. 513—An Act authorizing John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale.

H. H. HAIGHT, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }
March 30th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this evening adopted Senate Concurrent Resolution relative to appointing a Joint Committee to wait upon the Governor, and appointed Messrs. Steele, Frisbie and Canavan on the part of the House.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 30th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day adopted Assembly Concurrent Resolution No. —, instructing the Assembly Enrolling Clerk to correct an error in Assembly Bill No. 774.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 30th, 1868. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed Senate Bill No. 274, proposed amendments to the Constitution.

Also, passed Senate Bill No. 513—An Act authorizing John Hayes and Maria Hayes, guardians of William Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale.

Also, Senate Bill No. 370—An Act for the relief of Mary Likens and others.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 312—An Act to amend an Act to divide the State into judicial districts.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-fourth day of March, passed Assembly Bill No. 620—An Act to regulate the issue and transfer of warehouse receipts and other vouchers, and to prohibit fraud therein.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER, }
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, under a suspension of all the rules, passed Senate Bill No. 482—An Act entitled an Act to ratify and confirm a certain contract made by the Board of Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same.

Also, return herewith, as per request of the Senate, Assembly Bill No. 700—An Act to repeal an Act entitled an Act to incorporate the Town of San Buenaventura.

W. S. BYRNE,
Assistant Clerk.

ASSEMBLY CHAMBER, }
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to adopt Senate Concurrent Resolution No. 11, proposed amendments to the Constitution of the State of California.

Also, substitute for Senate Bill No. 476—An Act for the relief of W. R. Crawford.

J. R. BEARD,
Assistant Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, under a suspension of all the rules, passed Assembly Bill No. 783—An Act to amend an Act entitled an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved January eleventh, eighteen hundred and sixty-eight.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, under a suspension of all the rules, passed Assembly Bill No. 784—An Act supplementary to an Act entitled an Act to provide for the location, construction and maintenance of public roads in the County of Nevada, approved March thirtieth, eighteen hundred and sixty-eight.

Also, this day, adopted Assembly Concurrent Resolution No. 70, relative to the property belonging to the Geological Department of this State.

J. A. EAGAN,
Chief Clerk.

ASSEMBLY CHAMBER,
March 30th, 1868. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly adopted Assembly Concurrent Resolution No. 71, relative to adjournment.

J. A. EAGAN,
Chief Clerk.

Assembly Concurrent Resolution No. 71, above reported, was taken up and concurred in.

RESOLUTIONS.

Mr. Tweed had leave to introduce the following resolution :

Resolved, That W. L. Hawkins, Enrolling Clerk of the Senate, be allowed two dollars per day for extra labor during the last thirty days of this session, and that the same be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Mizner introduced a concurrent resolution in relation to appointing a Joint Committee of three from each House to wait upon the Governor and ascertain whether he had any further communication to make to this Legislature.

Adopted.

The President appointed as such committee Messrs. Mizner, Mandeville and Bradley.

Mr. MacLay introduced the following resolution :

Resolved. That the thanks of the Senate be and are hereby tendered to the Secretaries, Messrs. White and Heustis, and the Clerks at the desk, for the able, faithful and impartial manner in which they have discharged their duties as officers of this Senate.

Adopted.

PRESENTATIONS.

On behalf of the Senate, Mr. Pendegast addressed the President as follows:

MR. PRESIDENT: There are periods of a few moments duration in the life of every faithful and honest public officer when he reaps a full and rich reward for all of his labors, troubles and annoyances. Perhaps the most unhappy sensation which the human heart can endure is that caused by the feeling that an honest and laborious effort to be of service to the people is unnoticed and unappreciated by those intended to be benefited. And as a converse to this proposition, it is equally true that a single act or even word which indicates an intelligent and kindly recognition often produces a warm and glowing happiness. It is my hope to-night, sir, to bring that pleasurable feeling to the breast of the distinguished gentleman who has presided over the deliberations of the Senate of California during the session which is now at its close. I am charged by my brother Senators with the most pleasing duty of presenting to him, in the names and on the behalf of each and every one of them, the watch and chain which I now have before me. We tender this gift, not only as a recognition of his able and impartial Presidency, but as a peace offering and an atonement, trusting and believing that it will, not from its intrinsic value, but from the sincere and kindly feelings which prompt its donation, work for us a full and complete absolution for all our little infractions of order, ebullitions of temper and manifestations of impatience. The gift, sir, is a watch—a token upon which a long discourse might be based, if we were in the mood for sermonizing. I do not propose to attempt one. I shall simply say this—Lieutenant-Governor William Holden: At the request of the entire Senate, I present you with this watch and its accompanying chain. It is the product of each member's subscription—it is the token of each member's esteem. Take it, and with it the sincere hope that its hour hand may make many, many revolutions before the heart which beats under it shall be cold and still, and the form which bears it shall lie in that dark and narrow house of which it is the unfailing, unceasing premonitor.

[Here one of the Pages bore the watch to the President.]

The Lieutenant-Governor replied in appropriate terms, referring to the agreeable relations which had grown up between him and the members of the Senate, and to his uniform desire to perform his duties properly and impartially. If he had erred in any manner, he asked their pardon. He valued the present highly, and thanked them sincerely for it. With the cane, which was presented to him by his friends in the other House, and the glasses and timepiece he had been honored with here to-night, he would tramp on to the end of the journey of life; and when the pulse should beat but softly, and the blood creep slowly through his veins and heart, when the objects of this world should be seen but dimly through the death film, the tick of this watch under his

pillow, the sight of that cane lying uselessly by his side, and those glasses that could then no longer restore his vision, would cause the flickering lamp to burn more brightly, as they called the wandering memory back to the donors of those mementoes, and to the associations of the vigor of manhood. He wished that he could express the fulness of his gratitude, but words were not found upon the lips when the heart itself would speak.

Mr. Belden, on behalf of the members of the Senate, presented the President pro tem., Mr. Mizner, with a beautiful service of silver plate.

Mr. Mizner accepted the present with an appropriate speech.

A similar present was made by Mr. Curtis, on behalf of the members of the Senate, to John White, Secretary.

The Secretary expressed himself deeply moved by the unexpected testimonial presented to him by Senators and friends. Assuming his official station at the desk, he briefly and pointedly responded to the eulogistic remarks of Mr. Curtis, and improved the occasion to make a merited acknowledgment to his assistants, for the industry and fidelity displayed by them, and for the valuable assistance, on all occasions, rendered by them.

MOTIONS AND RESOLUTIONS.

Mr. Lewis introduced the following resolution :

Resolved, That the thanks of the Senate are hereby tendered to the President, Lieutenant-Governor Holden, for the impartial manner in which he has discharged his duties as the presiding officer of this Senate.

Unanimously adopted.

Mr. Roberts introduced the following resolution :

Resolved, That the Special Committee appointed this evening to investigate the books and accounts of State officers shall be privileged to conduct such examination at any time prior to the first day of October, eighteen hundred and sixty-eight; *provided*, that not more than ninety days shall be expended by said committee in pursuing such investigation to its completion.

Adopted.

Mr. Mandeville, from the Joint Committee appointed to wait upon the Governor, and ascertain whether he had any further communication to make, reported that he had no further communication to make to this Legislature.

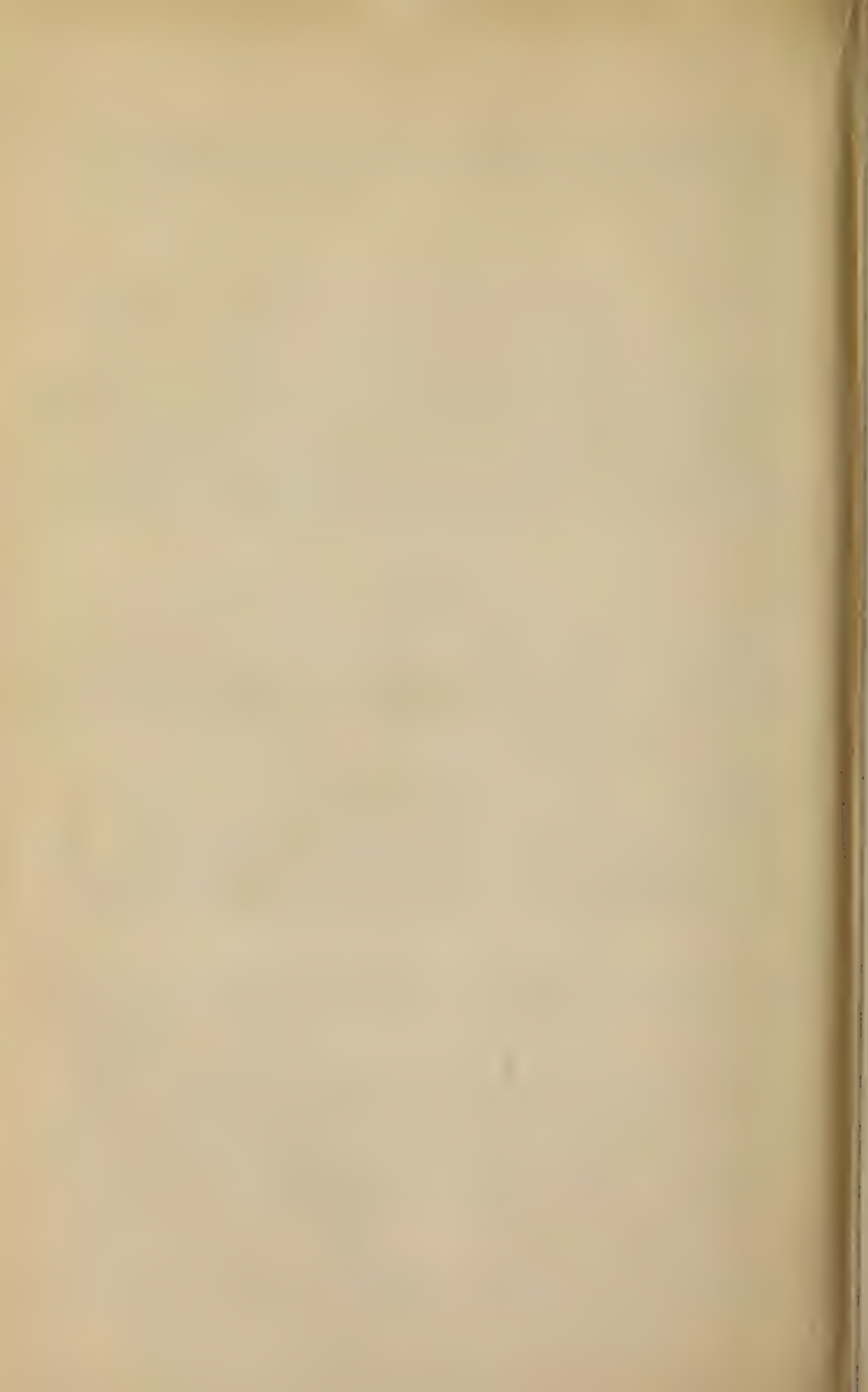
On motion of Mr. Green, the Lieutenant-Governor was authorized to examine and approve the Journal of to-day.

On motion of Mr. Mandeville, at eleven o'clock and thirty minutes P. M. the Senate adjourned *sine die*.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOHN WHITE, Secretary of Senate.



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121	An Act to authorize the Governor of the State of California to dispose of certain lands acquired by the State under the Act concerning escheated estates. Lawrence.....	225	459	630
122	An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six. Johnson.....	229		
123	An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith. Mizner.....	229	367	898

SENATE BILLS.

Number.....	T I T L E .	Introduced...	Passed Senate..	Passed Assem- bly.....
124	An Act to authorize the State Treasurer to pay over certain moneys received from the sale of water property in the City of Benicia. Mizner.....	229	591	
125	An Act to amend an Act entitled an Act to protect sheep and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six. Murphy.....	229		
126	An Act for the relief of B. W. Arnold. Pendegast.....	229		
127	An Act to purchase a transit instrument for the office of the Surveyor-General. Mandeville.....	229	347	538
128	An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six. Freeman.....	229	240	297
129	An Act granting the right to construct a wagon road in the Counties of Kern and Santa Barbara. Freeman.....	229	540	
130	An Act to provide for the revision and codification of the laws of the State of California and the publication thereof. Rose	229	610	767
131	An Act to fix the compensation of the District Attorney of the County of Santa Cruz, and to repeal all former Acts in relation thereto. McDougall.....	229	795	836
132	An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax. Mizner.....	229	240	297
133	An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries, and to provide for its organization, approved April second, eighteen hundred and sixty-six. Freeman.....	237	247	324
134	An Act to authorize B. F. Forsyth to construct a wharf upon Napa Straits, in the City of Vallejo. Mizner.....	237		
135	An Act for the relief of purchasers of swamp and overflowed, salt marsh and tide lands. Maclay.....	237		
136	An Act to authorize Montgomery Godley, administrator, with the will annexed, of the estate of Charles G. McChesney, deceased, to sell certain land belonging to the estate of said deceased. Robinson.....	237	542	710
137	An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof. Mizner.....	243	392	619
138	An Act granting to the Omnibus Railroad Company certain rights therein named. Maudeville.....	243	311	770
139	An Act to convert all legal tender notes in the State Treasury into bonds of the United States. Roberts.....	244		
140	An Act to provide for the payment of the salary of the District Attorney of Shasta County. Chappell.....	244	339	398
141	An Act to provide for the payment of certain unpaid warrants drawn by the Auditor of the County of Mono on the Treasurer of said county. Wolcott.....	244		

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate...	Passed Assembly...
142	An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, passed April fourteenth, eighteen hundred and sixty-four. Maelly.....	244	467	711
143	An Act to provide for the payment of certain outstanding bonds of the State of California. Wadsworth.....	244	388	810
144	An Act to amend the seventy-fourth section of an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty. Murphy.....	245		
145	An Act defining the boundary line between the Counties of Santa Barbara and San Luis Obispo. Murphy.....	245	698	
146	An Act to furnish the public streets and highways with shade trees. Robinson.....	246	602	835
147	An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred sixty-six. Teegarden.....	249	348	489
148	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Tweed..	249	821	
149	An Act concerning the redemption of real property sold for non-payment of taxes. Conn.....	249		
150	An Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty. Hager.....	249	386	491
151	An Act to amend an Act, approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, A. D. eighteen hundred and fifty-three. Hager.....	249	488	490
152	An Act to prevent fires in the farming and grazing districts. McDougall.....	250		
153	An Act concerning the insane convicts at the State Prison. Green.....	250	292	514
154	An Act to amend an Act entitled an Act to regulate proceedings in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Kincaid.....	257		
155	An Act to provide for the payment of interpreters in the Courts of justice in criminal cases in San Mateo County. Kincaid.	257	592	
156	An Act to appropriate money to pay the outstanding Indian war bonds and interest coupons issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto. Heacock.....	257		
157	An Act to amend section eighty-one, Article six thousand two			

SENATE BILLS.

Number.....	T I T L E.	Introduced..	Passed Senate..	Passed Assem- bly.....
	hundred and thirty of the Revenue Act of the State of California. Teegarden.....	257		
158	An Act for the purpose of providing the District Courts of this State with Statutes and Reports. Pendegast.....	257		
159	An Act to change the grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco. Saunders..	257	339	460
160	An Act granting the right to Matt Tarpey, Benjamin A. Barney and others, to construct and maintain a bridge across the Pajaro River, and collect toll on the same. McDougall.....	257		
161	An Act making the office of Sheriff of San Luis Obispo County a salaried office. Murphy.....	257		
162	An Act to provide for choosing Electors of President and Vice President of the United States. Robinson.....	264	366	767
163	An Act to prevent injury to the property of the Protestant Orphan Asylum of San Francisco. Shaw.....	264	339	489
164	An Act concerning the Board of Supervisors of the City and County of San Francisco. Shaw.....	264		
165	An Act to amend section five of an Act to provide for the incorporation of colleges. Conn.....	264	310	399
166	An Act to fix the compensation of the County Assessors of the County of San Luis Obispo. Murphy.....	264		
167	An Act prescribing certain conditions for the transaction of insurance business in the State of California. Hager.....	264		
168	An Act creating the office of Insurance Commissioner, and prescribing his duties and powers. Hager.....	264		
169	An Act to repeal sections twenty-eight and twenty-nine of an Act entitled an Act to provide for the sale of certain lands belonging to this State, approved April twenty-seventh, eighteen hundred and sixty-three. Rose.....	Not in Journal.		
170	An Act to establish and maintain an Alms House in the City and County of San Francisco. Saunders.....	265		
171	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board. Saunders.....	265	348	490
172	An Act to amend an Act entitled an Act concerning the assessment and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six. Beach	273	318	491
173	An Act to authorize Cyrus Cheeny and assigns to build and maintain a wharf on the San Joaquin River, at Antioch. Green.....	273	348	490
174	An Act fixing the compensation of the Sheriff of Merced County for services as Jailer, and providing for the payment of the same. Lawrence.....	273	310	

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate...	Passed Assembly.....
175	An Act to grant E. W. Champlin, William Caley, J. H. Stewart and others, the right to construct and maintain a wagon road in San Bernardino County. Conn.....	274		
176	An Act to authorize Henry C. Boggs and his associates to construct a turnpike road in Lake County. Pendegast	274		
177	An Act amendatory of an Act entitled an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six. Pendegast.....	274	382	430
178	An Act to carry out the provisions of an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six. Murphy.....	274	520	808
179	An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta. Chappell.....	274	375	420
180	An Act for the better government of the State Prison, and to relieve the Lieutenant-Governor from the duty of Prison Keeper. Shaw.....	274		
181	An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six. Lawrence.....	280	295	399
182	An Act to amend the Act of April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State. Heacock...	280		
183	An Act to provide for the payment of Grand Jurors in the County of San Mateo. Kincaid.....	280	325	400
184	An Act to exempt certain counties from the provisions of an Act entitled an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six. Murch.....	280		
185	An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease. Hager.....	280	626	734
186	An Act to establish the office of State Shipping Commissioners of the Port of San Francisco, and to regulate the duties thereof. Hager.....	280		
187	An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the present official grade of Third street, between Bryant and King streets, in said city and county. Saunders.....	281	506	460

SENATE BILLS.

Number.....	T I T L E .	Introduced...	Passed Senate.	Passed Assem- bly.....
188	An Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish the grades of streets and avenues in certain districts in said city and county. Saunders.....	281	761	784
189	An Act to amend an Act entitled an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six. Lewis.....	281	348	430
190	An Act for the relief of the sureties on the bond of Allen Hall. Lewis.....	286		
191	An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six. Lawrence.....	287		
192	An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto. Tweed.....	286	743	
193	An Act to authorize D. W. McCollom and Charles M. Hargrave to construct and maintain a toll bridge in Mendocino County. Pendegast.....	287	339	398
194	An Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad, railroad wharf and toll bridge in Mendocino County. Pendegast.....	287	348	399
195	An Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, A. D. eighteen hundred and fifty. Saunders	287		
196	An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Saunders	286		
197	An Act supplementary to and amendatory of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty. Hager.....	287		
198	An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four. Murphy.....	287		
199	An Act to amend an Act entitled an Act concerning the office of Secretary of State, approved May fifteenth, A. D. eighteen hundred and fifty-four. Roberts.....	294		
200	An Act to amend an Act entitled an Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-two, and all Acts amendatory thereof or supplementary thereto. Roberts.....	294	515	

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate..	Passed Assembly.....
201	An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties. Lewis.....	294	325	399
202	An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, eighteen hundred and sixty-six. Mizner.....	294	325	490
203	An Act to amend an Act concerning ferries and toll bridges Pendegast.....	294	348	430
204	An Act to amend an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six. Mizner.....	294	555	619
205	An Act in relation to the office of Sheriff in the City and County of San Francisco. Hager.....	294	541	630
206	An Act to amend an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved April nineteenth, A. D. eighteen hundred fifty-six, and for other purposes. Hager.....	294		
207	An Act to amend an Act entitled an Act to ascertain and correct the errors and defects of the Statute Laws of this State, approved April nineteenth, eighteen hundred and sixty-one. Mizner.....	302		
208	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Mizner.....	302		
209	An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California, under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto. Johnson.....	302		
210	An Act to amend an Act entitled an Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River, approved March seventeenth, eighteen hundred and sixty-six. Perley.....	302	403	677
211	An Act to create the County of Alta, and to define its boundaries and to provide for its organization. Roberts.....	303		
212	An Act appropriating money for the benefit of Saint Joseph's Orphan Asylum, at Sacramento. Curtis.....	304		
213	An Act for the relief of Daniel McLean. Lewis.....	305		
214	An Act concerning roads and highways in the County of San Mateo. Kincaid.....	313	439	630
215	An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty. Tweed.....	313	528	
216	An Act to amend an Act to provide revenue for the support of			

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.	Passed Assembly.....
	the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Chappell.....	313		
217	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Pearce.....	313		824
218	An Act to incorporate Hasperian College, Woodland, Yolo County, California. Mizner.....	313		
219	An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session. Murch.....	317	348	489
220	An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty six. Robinson.....	324	356	618
221	An Act to amend an Act entitled an Act to authorize the establishment of County Infirmeries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, eighteen hundred and fifty-five, approved April eighteenth, eighteen hundred and sixty. Maclay.....	324		
222	An Act requiring all bankers and banking houses, public or private, to make an exhibit of uncalled for deposits and dividends. Maclay.....	324		
223	An Act to amend an Act entitled an Act to amend an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three. Wolcott.....	324	467	809
224	An Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, amended March sixth, eighteen hundred and sixty-three. Wolcott..			
225	An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo. Murphy.....	324	404	677
226	An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, etc. Hager.....	324	552	736
227	An Act supplemental and amendatory to an Act entitled an Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco, etc. Hager.....	324	528	751
228	An Act to expedite the settlement of titles to lands held under a common source of title. Saunders.....	324	459	618
229	An Act to ratify and confirm an Ordinance passed by the Mayor and Common Council of the City of Los Angeles for establishing gas works in Los Angeles City. Banning.....	330	349	309

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate..	Passed Assembly.....
230	An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six. Kincaid.....	330	695	767
231	An Act to amend an Act entitled an Act to define and limit the compensation of officers, and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four. Kincaid.....	330	382	489
232	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Tweed.	330	565	
233	An Act relating to civil and criminal actions and proceedings in the Courts of justice in this State. Tweed.....	330	458	630
234	An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one. Tweed.....	330	459	767
235	An Act to permit persons in San Joaquin County finding estray stock on their premises to drive the same to the nearest common. Perley.....	330		
236	An Act to amend an Act entitled an Act concerning public ferries and toll bridges, approved April eighteenth, eighteen hundred and fifty-five. Murch.....	330	418	
237	An Act to authorize certain persons to remove improvements placed upon public lands after said lands have become private property. Ewer.....	330	458	767
238	An Act to provide for the time of holding the County Court and Probate Court in the County of Solano. Mizner.....	330	388	490
239	An Act to provide for the grading of the public alleys and the construction of sewers therein, in the City of Sacramento. Heacock	330	373	650
240	An Act to define the limits of the wards and the supervisor and school districts of the City of Sacramento. Heacock.....	330		
241	An Act to authorize Henry Connely, E. Martin, John B. Frisbie, their associates and assigns, to construct and maintain water works for the purpose of supplying the Town of Vallejo with pure fresh water. Mizner.....	336		
242	An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, A. D. eighteen hundred and fifty, and the several Acts amendatory thereof. Mizner	336	518	811
243	An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight. Curtis..	337	520	711
244	An Act to fix the salaries and pay of certain officers of Tuolumne County. Mandeville.....	337		

SENATE BILLS.

Number.....	T I T L E.	Introduced...	Passed Senate.	Passed Assembly.....
245	An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz. McDougall.	337	527	678
246	An Act to defray the expenses of the State Prison of the State of California during the fiscal year ending June thirtieth, A. D. eighteen hundred and sixty-eight, and to pay the outstanding debts of the same. Ewer.....	337	519	
247	An Act to create the office of State Geologist, and to define the duties thereof. Shaw.....	346		
248	An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco. Shaw.....	346		
249	An Act to punish assaults with caustic or corrosive liquids and substances. Belden.....	346	458	630
250	An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto. Tweed.....	346		
251	An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County. Pearce.....	346	441	618
252	An Act conferring further powers upon the Board of State Harbor Commissioners. Lewis.....	358	552	630
253	An Act supplementary to an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto. Tweed.....	358	731	
254	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Tweed.....	358	731	
255	An Act amendatory of and supplemental to an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three. Green.....	358		
256	An Act to authorize the Board of Supervisors of the County of El Dorado to levy an additional tax for county purposes. Hunter.....	358	410	
257	Proposed amendment to the Constitution of the State of California. Robinson.....	358		
258	An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof. Pearce.....	358	368	
259	An Act to authorize the County of Sonoma to donate bonds to a railroad company, and to provide for the payment of the same. Pearce.....	358		573
260	An Act to appropriate money for the purchase of safes for the State Treasurer's office. Finance Committee.....	359	368	67

SENATE BILLS.

Number.....	T I T L E.	Introduced...	Passed Senate..	Passed Assem- bly.....
261	An Act to provide funds for the School Department of the City of Oakland, and to authorize the payment of certain present indebtedness. Robinson.....	365	382	547
262	An Act to establish and define the powers and duties of the Board of Education of the City of Oakland. Robinson.....	365	382	548
263	An Act for the relief of J. D. Patterson. Lawrence.....	365	592	
264	An Act relative to adopted children. Murch.....	365		
265	An Act for the relief F. Marriott. Saunders.....	365		
266	An Act to amend an Act entitled an Act to provide for the prevention of conflagrations and the protection of property saved from fire, in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six. Saunders	365	464	710
267	An Act relating to the Home of the Inebriate of San Francisco, and prescribing the powers and duties of the Board of Trustees and the officers thereof. Saunders.....	365		
268	An Act to provide for an open canal through Channel street, in the City and County of San Francisco. Saunders.....	365	541	736
269	An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims. Mizner.....	365	382	490
270	An Act to incorporate the Town of Suisun. Mizner.....	365	389	
271	An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six. Mandeville	373	383	430
272	An Act to incorporate the Academy of the Sisters of Notre Dame, in the City of Marysville. Beach.....	373		
273	An Act to provide a law library for the Supreme Court. Belden	373	780	836
274	Proposed amendment to the Constitution. Belden.....	373	507	
275	An Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Hager.....	373	419	
276	An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties. Hager.....	373		710
277	An Act concerning fees in office of certain county officers in Mariposa County. Lawrence.....	373		
278	An Act amendatory of and supplemental to an Act entitled an Act to make certain offices in the County of Calaveras salaried offices, approved April twenty-fifth, eighteen hundred and sixty-three. Morrill.....	375		
279	An Act amendatory of and supplemental to an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto. Lawrence.....	378	742	

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate..	Passed Assembly.....
280	An Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six. Pendegast.....	378	489	489
281	An Act to pay outstanding war bonds issued under an Act of the Legislature, approved April twenty-fifth, eighteen hundred and fifty-seven. Bench.....	378		
282	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State. Hager...	378	542	
283	An Act to provide for a railroad in the City and County of San Francisco. Hager.....	378		
284	An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Saunders.....	583		
285	An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals. Green.....	383	528	824
286	An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four. Murphy.....	387		
287	An Act to appropriate money for contingent expenses of the Legislature. Finance Committee.....	387	392	430
288	An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight. Finance Committee.....	387	392	530
289	An Act to provide a suitable residence for the Governor. Shaw	387		
290	An Act to provide for the appointment of additional Notaries in the City and County of San Francisco. Shaw.....	387		
291	An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California. Shaw.....	387	392	515
292	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one, and all Acts or parts of Acts amendatory thereof or supplementary thereto. Lawrence.....	387	292	
293	An Act to amend an Act entitled an Act amendatory of Article four of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two. Saunders.....	387	537	710

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.	Passed Assembly.....
294	An Act granting certain privileges to the North Beach and Mission Railroad Company. Saunders.....	387	528	690
295	An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law. Saunders.....	387	465	736
296	An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco. Hager.....	388	613	825
297	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Roberts...	393		
298	An Act to declare and regulate the rates of fare and freight on the Central Pacific Railroad of California. Roberts.....	393		
299	An Act for the relief of David Kohn. Mandeville.....	393		
300	An Act supplementary to an Act prescribing rules for the government of the State Library. Lawrence.....	393		
301	An Act amendatory of and supplementary to an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two. Lawrence.....	393		
302	An Act for the encouragement of Agricultural and Mechanical Societies. Conly.....	393		
303	Proposed amendment to the Constitution. Shaw.....	393		
304	An Act to limit the time for commencing civil actions in certain cases. Conn.....	394	726	
305	An Act supplemental to and amendatory of an Act entitled an Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company, and provide for the payment of the same, and other matters relating thereto, approved April thirteenth, eighteen hundred and sixty-six. Beach.....	394		
306	An Act to provide for the pardon of certain convicts in the State Prison. Tubbs.....	394	465	524
307	An Act granting leave of absence to George N. Whitman, District Attorney of Mono County. Wolcott.....	394	409	514
308	An Act to provide for the construction of a railroad from the northern boundary line of the City of San José, in the County of Santa Clara, to the head of the Bay of San Francisco, at a point near the Town of Alviso, and for the right of way for the same. Maclay.....	402	528	752
309	An Act to reincorporate the Town of Santa Clara. Maclay...	402	541	754
310	An Act to amend An Act entitled an Act concerning the Military of the State of California. Roberts.....	402	821	835
311	An Act to provide for the equalization of the State tax among			

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.	Passed Assembly.....
	the several counties of the State, and for the appointment of a State Board of Equalization. Roberts.....	402		
312	An Act to amend an Act to divide the State into Judicial Districts, approved April twenty-fifth, eighteen hundred and sixty-three. Lawrence.....	402		
313	An Act amendatory of an Act entitled an Act defining the time of commencing civil actions. Curtis.....	402		
314	An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six. Ewer.....	402	409	514
315	An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four. Pendegast.....	402	409	548
316	An Act to repeal an Act to authorize the County Treasurers of the Counties of Napa, Lake and Mendocino to collect and receive certain public moneys as revenue. Pendegast.....	402	591	771
317	An Act concerning the Clerk of the Board of Supervisors of Napa County. Pendegast.....	403		548
318	An Act requiring the purchasers of seminary and public lands on a credit to pay the balance due the State. Pendegast.....	403		
319	An Act granting to certain parties the right to construct and maintain a turnpike road in the County of San Joaquin. Perley.....	403		
320	An Act for the encouragement of silk culture in this State—Robinson.....	403	528	
321	An Act for the relief of John Hassinger. Maclay.....	407		
322	An Act to authorize John S. Kimball and his assigns to construct two or more chutes at or near the mouth of Salmon Creek, and to collect tolls for the use of the same. Pendgast	407	527	677
323	An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals on private property, approved March twenty-sixth, eighteen hundred and sixty-six. Heacock	408		
324	An Act to authorize the Los Angeles Water Works Company to lay down water pipes in the public streets of the City of Los Angeles, to ratify and approve certain Ordinances and Acts of the corporate authorities of the City of Los Angeles in relation thereto, to ratify and approve the incorporation of the Los Angeles Water Works Company, and to define and confirm the rights and privileges of said company. Conn...	408	441	548
325	An Act to punish disobedience of orders by employes on railroads in this State. Green.....	408	742	

SENATE BILLS.

Number,	TITLE.	Introduced, ...	Passed Senate,	Passed Assem- bly,
326	An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Mizner.....	407		
327	An Act to create a Board of State Library Directors, and to define their powers and duties. Mandeville.....	408		
328	An Act to repeal an Act entitled an Act concerning the official bonds of the officers in and for the County of Santa Barbara, approved April second, eighteen hundred and sixty-six. Murphy..	408		
329	An Act concerning hogs found running at large in certain townships in Amador County. Rose	408		
330	An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against said district. Ewer.....	408	408	
331	An Act to confer on the City Council of the City of Oakland additional powers, and to provide for an election in said city. Robinson	408	408	492
332	An Act to repeal an Act entitled an Act for the relief of the line officers of the California Volunteers in the service of the United States, approved May fourth, eighteen hundred and sixty-four. Roberts.....	408	527	
333	An Act for the observance of the Sabbath. Pendegast.....	408		
334	An Act creating the office of Insurance Commissioner and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks as security for transacting business in this State. Hager....	419	565	753
335	An Act prescribing certain conditions for the transaction of insurance business in the State of California. Hager.....	419	565	690
336	An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco. Mandeville.....	411	592	734
337	An Act to appropriate money for the formation of a library for the instruction and use of the convicts in the State Prison. Green.....	421	541	
338	An Act to prevent the spread of contagious diseases among cattle and stock. Green.....	421		
339	An Act to authorize the establishment of a Board of Health in the City of Sacramento. Curtis.....	422	628	753
340	An Act supplementary and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino. Pendegast.....	421	531	750
341	An Act for the better protection of the people of this State from loss on account of insurance of property, or funds on deposit, or held in trust, or for the purpose of investment, in charge or custody of any individual, company or corporation doing business in this State. Pratt.....	419		

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate..	Passed Assembly.....
342	An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges. Freeman	426		630
343	An Act to amend an Act entitled an Act to authorize the formation of corporations for the construction of plank or turnpike roads. Judiciary Committee.....	425		
344	An Act to authorize the issuance of duplicate school land warrants to Merritt Hardin and William Platt. Roberts.....	421	581	
345	An Act to equalize taxation among the counties of this State. Hager.....	426		
346	Proposed amendment to the Constitution. Maclay.....	426		
347	An Act amendatory of and supplemental to an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll tax, license taxes and foreign miners' license taxes in said county, approved February twenty-sixth, A. D. eighteen hundred and fifty-nine. Merrill.....	426	519	651
348	*An Act to amend section first of article one hundred and thirty-sixth of an Act approved April sixteenth, eighteen hundred and fifty-nine, supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. Teegarden.....	426		
349	An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplementary thereto. Tweed.....	432	593	
350	An Act to amend an Act entitled an Act to regulate the settlement of the estate of deceased persons, passed May first, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto. Conn.....	432		
351	An Act to amend an Act to provide for the conveyance of mining claim, approved April thirteenth, eighteen hundred and sixty. Wolcott.....	432	542	
352	An Act to legalize and confirm certain Ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits. Saunders.....	432		
353	An Act to authorize the sale and conveyance to William Dunphy et al. of certain overflowed lands, and to carry on the business of slaughtering thereon, within the limits of the City and County of San Francisco. Saunders.....	432	740	785
354	An Act to provide for the sale of overflowed and tide lands to certain homestead and other associations in the City and County of San Francisco. Rose.....	435	742	
355	An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company and to provide for the payment of the same, and other matters relating thereto, approved April six-			

SENATE BILLS.

Number.....	TITLE.	Introduced..	Passed Senate..	Passed Assembly.....
	teenth, eighteen hundred and fifty-nine, and to fund a part of the debt of said County of Solano, and other matters relating to said railroad company. Mizner.....	435	519	677
356	An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three. Conly...	436	726	
357	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto. Tweed	436		
358	An Act to provide for the re-funding of the funded debt of Siskiyou County, California. Wadsworth.....	436	467	711
359	An Act to provide for the adoption of minor children. Pearce..	436		
360	An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream. Hager.....	436	613	735
361	An Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, and entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof. Hager.....	436	892	
361	An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three. Pendegast.....	442	467	786
363	An Act to encourage the development of the iron mines of California. Tweed.....	447	742	811
364	An Act to amend an Act entitled an Act to provide a revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred sixty-one. Beach.....	447		
365	An Act to appropriate money to pay the expense of resisting the authorities of the State of Nevada by the officers of Plumas County, in the year eighteen hundred and sixty-three. Conly.....	448	817	
366	An Act to provide for the payment of Mrs. E. Wright salary due her as teacher in Jefferson School District, Number One, in San Mateo County. Kineaid.....	448		753
367	An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County, approved January eleventh, eighteen hundred and sixty-six. Murch.....	448		
368	An Act to authorize the Board of Supervisors of the City and County of San Francisco to alter the grade of Beale street, between Folsom and Bryant streets, and to provide for the payment of damages resulting therefrom. Tubbs	448		
369	An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the			

SENATE BILLS.

Number.....	T I T L E.	Introduced...	Passed Senate..	Passed Assem- bly.....
	elective franchise, approved the nineteenth day of March, A. D. eighteen hundred and sixty-six. Mizner.....	448		
370	An Act for the relief of Mary Likens and others. Mizner.....	448	798	858
371	An Act to legalize certain evidences of indebtedness. Pratt....	448	552	
372	An Act to amend section fifty-four of an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth eighteen hundred and sixty-one. Pratt.....	448		
373	An Act authorizing the Board of State Harbor Commissioners to lease the privilege of collecting dockage, wharfage and tolls on a portion of the water front of the City of San Francisco. Saunders.....	448		
374	An Act for the relief of the North American Steamship Company. Committee on Commerce and Navigation.....	454	527	
375	An Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February twenty-first, eighteen hundred and sixty-eight. Banning.....	456	647	
376	An Act to amend an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight. Banning.....	457	647	
377	An Act to dispose of certain submerged and tide lands belonging to the State of California, and for the reclamation and improvement of the same. Pratt.....	457		
378	An Act to provide for the levying and collection of a special tax to be used in the construction of bridges in the County of Tehama. Lewis.....	461	461	548
379	An Act to circulate information relative to the resources of the State of California. Roberts.....	461		
380	An Act to regulate metallurgic works and manufacture of acids. Toberts.....	461		
381	An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty. Roberts.....	461		
382	An Act to provide for a horse railroad within the County of Santa Clara. Maclay.....	461	628	771
383	An Act to authorize the sale and conveyance to Henry J. Booth, A. E. Head, Chauncey B. Land, Charles Land,			

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.	Passed Assembly.
	Thomas Jones, A. L. Greeley, Abner Doble, William Blanding, T. B. Howard, G. W. Prescott, their associates and assigns, of certain overflowed lands in the City and County of San Francisco. Hager.....	461		
384	An Act to provide for the building or purchase by the City and County of San Francisco of gas works to supply said city and county with gas. Saunders.....	461		
385	An Act ratifying and confirming grants and sales of land by the Board of Trustees of the Town of Santa Barbara. Murphy.....	464		788
386	Substitute for Senate Bills Nos. 24, 156 and 209—An Act to appropriate money to pay the outstanding Indian war bonds of the State of California, issued since January, eighteen hundred and fifty-four, under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto. Committee on Claims.....	482	592	
387	An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco. Hager.....	492	612	735
388	An Act to confer power upon the Board of Supervisors of the City and County of San Francisco. Hager.....	493	797	826
389	An Act to appropriate money to erect a monument to the memory of General George Wright. Lawrence.....	493		
390	An Act to amend an Act entitled an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five. Roberts.....	493	641	
391	An Act to prohibit the trapping or snaring of quail to be sold for edible purposes. Green.....	493	641	
392	An Act to authorize J. H. Marston, his associates and assigns, to construct and maintain a wharf in the County of Solano. Mizner.....	493		
393	An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suscol, in the County of Napa. Mizner.....	493	612	753
394	An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three. Robinson.....	493	694	767
395	An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures. Belden.....	493	611	736
396	An Act to create a Contingent Fund for the County of Kern. Freeman.....	493	611	737
397	An Act to provide for funding the debt of the Road Fund in Tulare County. Freeman.....	493	611	737

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate..	Passed Assem- bly.....
398	An Act for the relief of J. R. De La Guerro. Murphy.....	493	555	
399	An Act to secure the safety of travellers on railroads. Murphy	493		
400	An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one. Ewer.....	493	748	736
401	An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to establish and maintain a hospital. Kincaid.....	494		
402	An Act for the regulation of sailor's boarding houses and of shipping offices in the City and County of San Francisco. Tubbs.....	493		
403	An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight. Teegarden.....	494	494	677
404	An Act for the relief of Robert M. Folger. Rose.....	493	795	824
405	An Act supplemental to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two. Maclay.....	494		
406	An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Wolcott	494	727	
407	An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two. Morrill.....	494	627	736
408	An Act to establish the valuation of personal property and buildings erected upon real estate, for the purposes of taxation for State, county, township or municipal purposes. Conly	494		
409	An Act relative to the County Treasurer of Lake County. Pendegast.....	494	611	710
410	An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven. Roberts.....	502	726	811
411	An Act supplementary to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six. Lewis.....	502	819	835
412	An Act to amend an Act entitled an Act in relation to the County officers of the County of Sierra, and the Acts amendatory thereof. Pratt.....	502		

SENATE BILLS.

Number.	T I T L E.	Introduced...	Passed Senate.	Passed Assembly.
413	An Act to fund the debt of Sierra County, and provide for the payment of the same. Pratt.	502	628	
414	An Act to incorporate the Town of Redwood City. Kinsaid...	502	628	736
415	An Act to appropriate money to pay the claim of H. C. Kibbe. Hencock.....	502		
416	An Act to promote the study of anatomy, and to repeal existing laws upon the subject. Pendegast.....	502	642	
417	An Act for the relief of J. S. Downes. Pendgast.....	502	514	530
418	An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four. Ewer.....	502	628	736
419	An Act amendatory of an Act entitled an Act regulating the settlement of the estates of deceased persons. Belden.....	502		
420	An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador, and to prescribe the manner of paying the same. Rose.....	503	628	736
421	An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the county of San Mateo. Wadsworth.....	503	754	809
422	An Act to authorize the guardian or guardians of certain minors to sell or mortgage their real estate. Saunders... ..	503		
423	An Act to provide for the appointment of Deputy Constables. Teegarden.....	516		
424	An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four. Green.....	516	628	736
425	An Act authorizing J. L. Jones, William Hollis, William C. Parsons, William H. Smith and others to build a wharf adjoining their lands, in the Central Park Homestead Association, said lands lying in a southeasterly direction from Islais Creek, in the City and County of San Francisco. Tweed.....	516		
426	An Act to provide for the construction of a wagon road connecting the Mariposa Big Tree Grove with the Yosemite Valley. Lawrence.....	516		
427	An Act for correcting omissions and defects in assessments. Belden.....	516		
428	An Act to provide for the government of the County of San Diego. Conn.....	525	525	574
429	An Act to amend an Act entitled an Act defining the time for			

SENATE BILLS.

Number.....	T I T L E.	Introduced...	Passed Senate..	Passed Assem- bly.....
	commencing civil actions, passed April twenty-second, eighteen hundred and fifty. Mizner.....	525		
430	An Act concerning legal advertisements. Mizner.....	525		
431	An Act to pay E. H. Wood three months pay proper of an Assistant Surgeon of the California Volunteers. Mizner.....			
432	An Act to authorize and empower the incorporated towns in this State to hold and convey certain lands. Roberts.....	525	799	
433	An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven. Roberts.....	525		811
434	An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six. Curtis.....	525	743	
435	An Act to authorize William Bihler to construct a wharf on Petaluma Creek. Pearce.....	525	693	771
436	An Act to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April eleventh, eighteen hundred and fifty-five. Wadsworth.....	525		
437	Proposed amendments to the Constitution. Rose.....	539		
438	An Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin. Perley.....	539	539	618
439	An Act to legalize and confirm the election of certain officers in the Town of Sonora, and other matters. Mandeville.....	539		
440	An Act to reincorporate the City of Petaluma. Pearce.....	540		774
441	An Act to provide for levying a special tax to construct a public school-house in Nevada School District, in the County of Nevada. Belden.....	540	733	650
442	An Act to confer certain powers upon the Board of State Harbor Commissioners. Rose.....	540	796	825
443	An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-seven. Teegarden.....	540		
444	An Act to authorize payment for work done in Swamp Land District Number Two. Curtis.....	540	797	823
445	An Act to survey and dispose of certain lands in the Bay of San Francisco, known as Mission Rock, and the land thereto adjacent. Green.....	550		
446	An Act to provide for the collection of delinquent school			

SENATE BILLS.

Number	TITLE.	Introduced...	Passed Senate.	Passed Assembly.....
	taxes and legalizing assessments and school elections held in school districts in the County of Marin. Green.....	550	592	767
447	An Act to authorize the Board of State Prison Directors to compromise and settle certain claims to lands adjoining the State Prison, at San Quentin, and to appropriate money for that purpose. Green.....	550		
448	An Act to provide for ascertaining the indebtedness of the Counties of Tulare and Los Angeles prior to the organization of Kern, and to provide for the payment of that portion due each from the County of Kern. Freeman.....	551		650
449	An Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved February twenty-fifth, eighteen hundred and sixty-eight. Teegarden.....	551	551	
450	An Act to authorize the Trustees of the City of Petaluma and their successors in office to execute a certain trust. Pearce.....	551	551	712
451	An Act relating to the Petaluma School District, in Sonoma County. Pearce.....	551	692	
452	An Act to fix the salary of Sheriff and other officers in the County of El Dorado, to consolidate certain offices, and to create revenue districts therein. Hunter.....	551	798	766
453	An Act for the relief of the Common School Fund of Butte County. Ewer.....	551	551	823
454	An Act to repeal certain Acts concerning hogs found running at large in Amador County. Rose.....	551	694	766
455	An Act to amend an Act entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and the other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one. Belden.....	551	743	
456	An Act to amend an Act relating to bills of exchange and promissory notes, passed April sixteenth, eighteen hundred and fifty. Belden.....	562		
457	An Act to authorize Lyman Leslie, Paul K. Hubbs, and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, County of Solano. Mandeville.....	563	797	824
458	An Act to provide for the changing of the grades of certain streets in San Francisco, etc. Hager.....	562		
459	An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco, not embraced within the limits of the City of San Francisco, as established by an Act entitled an Act to reincorporate the City of San Francisco, passed April fifteenth, eighteen hundred and fifty-one. Pearce.....	562		
460	An Act supplemental to an Act entitled an Act to provide for the payment to the Registers and Receivers of the United			

SENATE BILLS.

Number.....	T I T L E.	Introduced...	Passed Senate..	Passed Assem- bly.....
	State Land Offices in this State certain fees, approved March fifth, eighteen hundred and sixty-eight. Murch.....	562		
461	An Act to extend the time within which to complete a wagon road. Freeman.....	562	694	766
462	An Act to provide for the incorporation of mutual savings and homestead associations. Pratt	562	820	
463	An Act to provide for the appointment of phonographic reporters in certain counties of this State. Pendegast.....	572	760	784
464	An Act to settle pueblo grants in the Town of Santa Barbara. Murphy.....	563		
465	An Act to repeal certain Acts incorporating the Town of Columbia, in the County of Tuolumne, and all Acts amendatory thereof. Mandeville.....	568		
466	An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto. Johnson.....	568	697	
467	An Act for the relief of C. C. Townsend. Roberts.....	568	750	736
468	An Act to provide revenue for the support of Government. Shaw.....	750		
469	An Act to provide for the care and instruction of juvenile offenders in the State of California. Teegarden.....	575	742	869
470	An Act to provide for the care and maintenance of indigent insane persons in the State of California. Teegarden.....	575	726	753
471	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a reasonable counsel fee for certain services. Saunders.....	579		
472	An Act for the relief of Daniel L. Britton. Johnson.....	579	749	709
473	An Act to provide depot grounds on the eastern side of the Bay of San Francisco for the Central and Western Pacific Railroads, and other matters relating thereto. Hardy.....	579		
474	An Act to authorize J. B. Ford and his associates to construct and maintain a wharf in Mendocino County. Pendegast....	579	694	767
475	An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-two. Perley.....	579	727	774
476	An Act for the relief of William R. Crawford. Perley.....	579		
477	An Act amendatory of and supplementary to an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property. Perley	579		
478	An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries. Perley.....	579	694	786

SENATE BILLS.

Number.....	T I T L E .	Introduced...	Passed Senate...	Passed Assembly.....
479	An Act to provide for the collection of certain moneys due this State. Bradley.....	579		
480	An Act to grant to Bradley V. Sargent and others the right to erect gas works and lay gas pipes in the City of Monterey. McDougall.....	579	608	
481	An Act to provide for the purchase of philosophical and chemical apparatus for the California State Normal School. Robbins.....	580	796	
482	An Act entitled an Act to ratify and confirm a certain contract made by the Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same. Shaw.....	579	602	858
483	An Act to amend an Act entitled an Act in relation to roads and Roadmasters in Solano County, approved March twenty-fourth, eighteen hundred and sixty-four. Mizner.....	580	602	768
484	An Act to incorporate the City of Vallejo. Mizner.....	579		
485	An Act for the relief of Anna Lee. Curtis.....	579	772	
486	An Act to provide for the distribution of the pueblo lands of the City and County of San Francisco. Tweed.....	579		
487	An Act to authorize the Italian Mutual Benevolent Association to change its name. Hager.....	587	693	766
488	An Act to authorize the Board of Supervisors of the County of Sacramento to audit and allow a certain claim. Heacock.....	587	693	768
489	An Act granting to the San Francisco and Humboldt Bay Railroad Company the right to build and construct a railroad track, with side tracks, in the County of Marin. Green.....	587		
490	An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama, and provide for the collection of taxes therein. Lewis.....	587	693	767
491	An Act conferring certain powers upon the Board of Supervisors of the County of Santa Clara. Maclay.....	592	693	
492	An Act in relation to the duties of Assessor and Collector of Tuolumne County. Mandeville.....	592	694	767
493	An Act to aid in giving effect to an Act of Congress relating to the California and Oregon Railroad Company. Ewer.....	593	833	
494	An Act to provide terminal depot grounds for the Terminal Central Pacific Railroad. Huger.....	603	698	785
495	An Act to protect the rights of owners of lands bounded by the shore of the sea, or its bays, inlets, or coves. Maclay.....	603		
496	An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general railroad laws of the State, certain rights and privileges. Mizner.	604	604	
497	An Act to authorize the Mayor and Common Council of Los Angeles City to grant or donate land to the Los Angeles			

SENATE BILLS.

Number.....	T I T L E .	Introduced...	Passed Senate..	Passed Assembly.....
	Canal and Reservoir Company, and ratifying any such grant or donation heretofore made by them. Banning.....	603		
498	An Act entitled an Act to amend an Act entitled an Act to authorize Charles M. Benbrook, Samuel Mahen and Marcus D. Brundige to construct and maintain a turnpike road from Wiley's Ranch to Willow Springs, in Los Angeles County. Banning.....	603		
499	An Act to ratify and confirm an ordinance passed by the Mayor and Common Council of Los Angeles City, April twenty-ninth, eighteen hundred and sixty-four, entitled an ordinance to provide for the payment of the construction of a new "zanja," and the conveyance pursuant thereto. Banning....	603		
500	An Act entitled an Act to confirm certain sales of land made by the Mayor and Common Council of the City of Los Angeles at auction, in conformity with the ordinances of said city. Banning.....	603		
501	An Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals and herds of hogs, in the Counties of Tuolumne and Calaveras. Hardy.....		783	811
502	An Act providing for the holding of State Fairs. Pearce.....	604		
503	An Act for the relief of S. D. Smith. Curtis.....	604		
504	An Act relative to the care and management of the State burial ground, and making an annual appropriation therefor. Curtis.	604	818	
505	An Act conferring further powers upon the Harbormaster of the Port of San Francisco. Robinson.....	604	799	
506	An Act to authorize the Board of Supervisors of El Dorado County to appropriate money for the relief of David L. Britton. Committee on Claims.....	610	610	810
507	Substitute for Assembly Bills Nos. 320, 211 and 78—An Act to provide for the payment of the State's portion of the salaries of the County Auditors in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda. Committee on Claims.....	611	611	735
508	An Act for the relief of Mrs. E. J. McLean. Committee on Claims.....	610		
509	An Act to prevent horses, mares, colts and mules from trespassing upon private lands in the County of San Luis Obispo. Murphy.....	614		
510	An Act to authorize John B. Ward and his associates to construct and maintain a wharf in Santa Barbara County. Murphy.	614	695	767
511	An Act to encourage the early construction of the Southern Pacific Railroad. Maclay.....	614		
512	An Act for the relief of William O'Shea. Hager.....	614	664	677
513	An Act authorizing John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale. Kincaid.	614	798	858

SENATE BILLS.

Number.....	TITLE.	Introduced..	Passed Senate..	Passed Assembly.....
514	An Act to amend an Act entitled an Act fixing the compensation of the members of the Board of Supervisors of Stanislaus County, approved April tenth, eighteen hundred and fifty-eight. Belden.....	615	694	
515	An Act to fix the terms of the District Court of the First Judicial District of the State of California. Murphy.....	620	620	753
516	An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo. Kincaid.....	620	695	767
517	Substitute for Senate Bills Nos. 105, 122, 191 and 391—An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six. Committee on Federal Relations	620	822	835
518	An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the Revenue Acts of this State, approved April second, eighteen hundred and sixty-six. Rose.....	624		
519	An Act authorizing Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof. Pendergast	624	690	771
520	An Act to authorize the Board of State Harbor Commissioners to extend the lease of a certain wharf. Committee on Commerce and Navigation.....	625		
521	An Act to permit Samuel Cross to erect a monument to the memory of General George Wright, in the State Burial Ground. Heacock.....	624		
522	An Act concerning certain crimes and punishments. Roberts..	624	743	
523	An Act to amend an Act entitled an Act to provide a fund for the redemption of, and prescribing the manner of redeeming, the outstanding county warrants drawn upon the Treasurer of Tuolumne County, and further to provide for the payment of all the current expenses of said Tuolumne County in cash, approved February twelfth, eighteen hundred and sixty-three. Wolcott.....	624	624	736
524	An Act to provide a right of way and terminus for the Central Pacific and Western Pacific Railroad Companies, in the City and County of San Francisco. Hager.....	625		
525	An Act granting certain wharf privileges. Mizner.....	624	798	823
526	An Act to authorize the Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company, in said townships in the year A. D. eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year. Johnson.....	632	696	767

SENATE BILLS.

Number.....	T I T L E .	Introduced...	Passed Senate..	Passed Assem- bly.....
527	An Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Hardy.....	632		
528	An Act amendatory of and supplemental to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe the sum of seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight. Mizner.....	633	635	735
529	An Act amendatory of and supplemental to an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight. Mizner.....	633	633	731
530	An Act to amend an Act entitled an Act to regulate fees in office in the County of Nevada, approved April eighteenth, eighteen hundred and fifty-nine. Roberts.....	636	636	
531	An Act to refund the funded debt of the County of San Bernardino. Conn.....	636	636	690
532	An Act concerning roads and highways in the County of San Bernardino. Conn.....	636	636	690
533	An Act for the relief of purchasers of swamp and overflowed lands. Perley.....	636		
534	An Act granting the privilege to James B. Peck and his assigns to build and erect a wharf at Saucelito, Marin County. Green.....	636	696	753
535	An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell real estate at private sale. Green.....	637		
536	An Act amendatory of and supplementary to an Act entitled an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four. Kincaid.....	636	751	767
537	An Act to transfer certain moneys to the Common School Fund of the County of Siskiyou. Wadsworth.....	636	636	
538	An Act to establish the University of California. Maclay.....	637		
539	An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, eighteen hundred and fifty-seven. Mizner.....	637	697	771
540	An Act to authorize John Hongland to sue the City of Sacramento. Mizner.....	636		

SENATE BILLS.

Number.....	T I T L E.	Introduced...	Passed Senate.	Passed Assembly.
541	An Act supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six. McDougall.....	636	636	710
542	An Act to authorize the sale and confirmation of certain tide lands in the City and County of San Francisco. Tubbs.....	637		
543	An Act to authorize and require the Assessors of this State to complete their assessment rolls, and to correct any errors or defects in the form of assessments, notwithstanding their terms of office shall have expired. Pendegast.....	637	753	
544	An Act to compensate A. G. Black for land occupied by him in the Yosemite Valley prior to its cession to the State of California. Committee on Public Lands.....	639		
545	An Act to authorize Frederick W. Kuelp, Hugo Schenck, John Foster, William Workman, Theodore Riser, A. Langenberger, their associates and assigns, to construct and maintain a wharf in Los Angeles County. Com.....	655	655	710
546	An Act to fix and establish the rates of fare and freight on railroads, and other matters relating thereto. Belden.....			
547	An Act to extend the line of the Omnibus Railroad Company. Rose.....	643		
548	An Act to authorize the Board of Supervisors of Tulare County to re-district the County of Tulare into Supervisor Districts. Freeman.....	636	636	736
549	An Act making additional appropriations for stationery, lights and fuel for the Legislature and State officers. Tubbs.....	656	656	677
550	An Act to repeal an Act to provide a special fund for the construction of the State Capitol Building at the City of Sacramento. Lewis.....			
551	An Act in relation to the sureties on the official bond of Thomas Norwood, late Treasurer of Tuolumne County. Mandeville..	661	661	
552	An Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, and the various Acts supplementary to and amendatory thereof. Teegarden	661		
553	An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Yerba Buena Park. Tubbs.....	661	698	
554	An Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, approved April thirtieth, eighteen hundred and sixty. Mizner.....	661		
555	An Act to provide a proper hospital for the County of Sacramento. Curtis.....	662	662	767
556	An Act to aid in carrying out the provisions of an Act of Con-			

SENATE BILLS.

Number.....	T I T L E.	Introduced...	Passed Senate.	Passed Assembly.....
	gress relating to the Stockton and Copperopolis Railroad Company. Perley.....	675	799	824
557	An Act amendatory of and supplemental to an Act entitled an Act to provide for street railroads within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and to an Act entitled an Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, passed April seventeenth, eighteen hundred and sixty-one, and to the several Acts supplementary to and amendatory of said Act. Saunders....	674	797	
558	An Act to authorize the repayment of certain taxes illegally collected for State purposes. Hager.....	675		
559	An Act to fix the compensation of the County Sheriff of the County of San Luis Obispo. Murphy.....	680	749	736
560	An Act to amend section eleven of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six. Lewis.....	680		
561	An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four. Tweed.....	680	680	710
562	An Act for the protection of salmon. Curtis.....	680		
563	An Act supplementary to an Act entitled an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine. Wadsworth.....	680		
564	An Act to legalize assessments, and to provide for the collection of delinquent taxes in the several counties of this State. Rose.....	680	836	
565	An Act to provide funds to pay the floating debt of Butte County. Ewer.....	680	680	753
566	An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six. Hancock.....	680		
567	An Act to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April eleventh, eighteen hundred and fifty-five. Wadsworth.....	680		
568	An Act to supply the District Judge of the Thirteenth Judicial District with certain law reports.....	691	819	
569	An Act to provide a Sheriff for the County of Trinity, to fill the vacancy caused by the death of James Cochrane. Chappell.....	704	704	712
570	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Rose.....	700		

SENATE BILLS.

Number.....	TITLE.	Introduced...	Passed Senate.	Passed Assembly.....
571	An Act prescribing the duties of the Lieutenant-Governor, as Resident Director of the State Prison. Green.....	700		
572	An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their powers and duties, approved March thirty-first, eighteen hundred and sixty-six. Rose.....	700	824	
573	An Act in relation to the Clerk of the Justices Court in the City and County of San Francisco Saunders.....	703		
574	An Act to confer additional power upon the Superintendent of Streets and Highways in the City and County of San Francisco. Saunders.....	703		
575	An Act requiring the Controller of State to transfer certain funds. Hager.....	723	723	767
576	An Act to amend an Act entitled an Act for the government of the State Prison, and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight, and Acts amendatory thereof. Hunter.....	723		
577	An Act relating to roads in the County of Colusa. Lewis.....	723	723	767
578	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Conn.....	723		
579	An Act to authorize the Sacramento Savings Bank to create a capital stock and issue certificates of share. Curtis.....	723		
580	An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice, passed April twenty-ninth, eighteen and fifty-one. Shaw.....	723		
581	An Act to provide for the removal of human remains in certain cases. Belden.....	739	739	
582	An Act to confer additional powers on the Board of Supervisors of the County of Mendocino. Pendegast.....	743	743	768
583	An Act to amend section one hundred and ninety-eight of an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Shaw.....	744		
584	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and to authorize an appropriation of money by said Board. Hager	743		
585	An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for Klamath County. Murch.....	745	820	
586	An Act concerning roads, highways and bridges in Klamath County. Murch.....	745		
587	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved April tenth, eighteen hundred and sixty-two. Murch.....	745		

SENATE BILLS.

Number.....	T I T L E .	Introduced...	Passed Senate.	Passed Assembly.....
588	An Act further to provide for the ratification and confirmation of a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same. Tubbs	747	747	772
589	An Act to repeal an Act entitled an Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz, approved March twenty-third, eighteen hundred and sixty-eight. Teegarden.....	750		
590	An Act to authorize the sale and conveyance to De Courcy M. Goodsell, his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco. Pearce.....	750		
591	An Act to provide for the election of Assessor and Collector in the County of Amador. Rose.....			
592	An Act to provide for changing the corporate name of the First Congregational Church of the City of Oakland, and ratifying and confirming the acts of its Trustees. Robinson.	759	759	785
593	An Act to authorize the California Pacific Railroad Company to extend its road to Suscol, in Napa County, and receive subscription to its capital stock, and other matters relating thereto. Pendegast.....	761	761	772
594	An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county. Shaw.....	750	761	785
595	An Act making appropriations for a deficiency in the appropriations for the eighteenth and nineteenth fiscal years, ending the thirtieth day of June, eighteen hundred and sixty-eight. Finance Committee.....	759	780	
596	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax upon foreign and inland bills, passengers, insurance companies, and other matters, approved April fifteenth, A. D. eighteen hundred and sixty-two. Finance Committee.....	759		
597	An Act amendatory of and supplementary to an Act entitled an Act to establish and maintain an alms-house and hospital in the City and County of San Francisco. Hager.....	762	762	772
598	An Act to legalize the election held in Lake County, State of California, on the fourth day of September, A. D. eighteen hundred and sixty-eight. Pratt.....	808		

SENATE CONCURRENT AND JOINT RESOLUTIONS.

SENATE CONCURRENT AND JOINT RESOLUTIONS.

Number....	TITLE.	Introduced.
1	Concurrent resolution relative to the appointment of a committee of three from each House to inform the Governor of the organization of the Legislature. Heacock..	30
1	Joint resolution relative to acquiring Mexican territory. Shaw.....	142
2	Concurrent resolution relative to meeting in Joint Convention, December fifth, eighteen hundred and sixty-seven, to canvass the vote for Governor and Lieutenant-Governor. Hager.....	32
3	Concurrent resolution relative to meeting in Joint Convention to inaugurate the Governor. Hager.....	95
4	Concurrent resolution relative to appointing Joint Committee to wait upon Governor and Lieutenant-Governor elect, and inform them of their election and the time of inauguration. Hager.....	93
5	Concurrent resolution relative to printing titles of bills, etc. Murch.....	114
6	Concurrent resolution relative to adjourning over. Lawrence.....	117
7	Concurrent resolution relating to the printing of the general file. Murch.....	
8	Concurrent resolution relating to printing in Spanish the laws of the present session. Mauderville.....	127
9	Concurrent resolution to appoint Porter for rear of Capitol Building. Green.....	125
10	Concurrent resolution—proposed amendment to the Constitution. Murch.....	125
11	Concurrent resolution—proposed amendments to the Constitution. Murch.....	126
12	Concurrent resolution relative to the construction of a breakwater in the Harbor of Wilmington. Banning.....	126
13	Concurrent resolution—proposed amendments to the Constitution. Mizner.....	136
14	Concurrent resolution relative to raising the national flag over the Capitol.....	143
15	Concurrent resolution relative to the electoral votes of States under the Reconstruction Acts of Congress. Pearce.....	143
16	Concurrent resolution appointing committee to inquire into and investigate the proceedings of the State Harbor Commissioners, etc. Hager.....	165
17	Concurrent resolution relative to printing reports of State institutions. Committee on Printing.....	150
18	Concurrent resolution—proposed amendments to the Constitution of the State of California. Mizner.....	176
19	Concurrent resolution relative to adjourning over during the holidays. Heacock..	175
20	Concurrent resolution relative to extending invitation to Professor J. D. Whitney to address the Legislature. Robinson.....	190
21	Concurrent resolution relative to adjourning <i>sine die</i> . Tubbs.....	191

SENATE CONCURRENT AND JOINT RESOLUTIONS.

Number....	TITLE.	Introduced.
22	Concurrent resolution—proposed amendments to the Constitution of the State of California. Murch.....	186
23	Concurrent resolution—proposed amendments to the Constitution of the State of California. Mizner.....	190
24	Concurrent resolution providing for the appointment of Joint Committees to compile and arrange the general laws of the State. Tweed.....	191
25	Concurrent resolution relative to meeting in Joint Assembly. Mandeville.....	194
26	Concurrent resolution relative to asking a change in the laws, giving five years in which to appeal from the decision of the United States Circuit Court to the Supreme Court in cases involving title to Spanish or Mexican grants. Lewis....	194
27	Concurrent resolution relative to instructing our Senators and Representatives in Congress to use all honorable means to procure the establishment of a daily mail line from the Town of Oroville, via Laporte, etc. Conly.....	194
28	Concurrent resolution relative to instructing our Senators and requesting our Representatives in Congress to use all honorable means to procure the early establishment of a daily mail from the Town of Oroville, via Humbug Valley and Taylorville, to Susanville, in the County of Lassen. Conly.....	194
29	Joint resolution in opposition to conferring the elective franchise on negroes and Chinese. Rose.....	203
30	Concurrent resolution instructing the Joint Committee on the Agricultural, Mining and Mechanic Arts College to examine certain books in the State Land Office. Rose.....	204
31	Concurrent resolution authorizing the Joint Committee of the Senate and Assembly appointed to inquire into and investigate the proceedings of the State Harbor Commissioners, etc., to employ Sergeant-at-Arms, Clerk, etc. Curtis.....	210
32	Concurrent resolution appointing Joint Committee to prepare and report a bill amending and codifying the laws of this State. Shaw.....	210
33	Concurrent resolution granting leave of absence to Joint Committee on Agricultural College and State University. Hager.....	214
34	Concurrent resolution respecting the right of secession. Rose.....	214
35	Joint resolution providing for a ratification of the amendment to the Constitution of the United States. Murch.....	214
36	Concurrent resolution—proposed amendment to Article eleven, Section thirteen of the Constitution of the State of California. Rose.....	219
37	Concurrent resolution authorizing the Enrolling Clerk of the Senate to insert an enacting clause (inadvertently left out) in Senate Bill No 70. Murch.....	224
38	Concurrent resolution relative to engrossing bills. Mandeville.....	233
39	Concurrent resolution directing the Hospital Committees of each house to visit certain public institutions. Beach.....	238
40	Concurrent resolution relative to the refusal of Congress to admit the members elected from Kentucky, and the action of the United States Senate in relation to ex-Secretary Stanton. Pearce.....	239
41	Concurrent resolution directing the State Hospital Committee of each House, when	

SENATE CONCURRENT AND JOINT RESOLUTIONS.

Number....	TITLE.	Introduced.
	they visit the State Reform School, to investigate and report upon the charges of cruelty and inhumanity preferred against the Superintendent of that institution by the Sacramento Union, in its issue of November sixteenth, eighteen hundred and sixty-seven. Beach.....	233
42	Concurrent resolution instructing the Committee on State Hospitals to specially examine into and report to their respective Houses upon certain subjects therein named. Robinson.....	250
43	Joint resolution relative the Mendocino Indian Reservation. Pendegast.....	255
44	Concurrent resolution relative to appointment of Joint Committee of four of the Senate and four from the Assembly, to investigate certain charges of corruption and allegations in relation to the last Senatorial election. Pearce.....	275
45	Joint resolution relative to railroad lands. Pendegast.....	295
46	Concurrent resolution relative to the establishment of a daily mail route from Latrobe, in El Dorado County, to Ione City, in Amador County, and the establishment of a Post Office on said mail route. Rose.....	303
47	Concurrent resolution providing for the payment of expenses incurred by the Special Joint Committee of the two Houses appointed to investigate the affairs of the the State Harbor Commission. Curtis.....	303
48	Concurrent resolution relative to mail route from Trinity Centre to Sawyer's Bar, in Klamath County. Murch.....	308
49	Joint resolution concerning Chinese immigration. Pendegast.....	379
50	Concurrent resolution relative to the acquisition of British Columbia. Myner.....	388
51	Concurrent resolution relative to adjournment from February twenty-first to February twenty-fifth, for the purpose of accepting an invitation from the Mayor and Common Council of the City of Oakland to visit that city, to view the site of the proposed Agricultural, Mining and Mechanic Arts College, etc. Robinson.....	396
52	Concurrent resolution relative to the duty of the Federal Government to zealously protect the rights of naturalized citizens abroad during the present political disturbances in Europe. Lawrence.....	403
53	Concurrent resolution relative to obtaining aid from Congress for the San Diego and Gila Southern Atlantic and Pacific Railroad Company. Conn.....	403
54	Concurrent resolution relative to printing Agricultural Report. Joint Committee on Printing.....	
55	Concurrent resolution relative to the course pursued by Congress in regard to certain officials. Shaw.....	433
56	Concurrent resolution—memorial to Congress on the claims of J. M. Hutchings and J. C. Lamon. Rose.....	433
57	Joint resolution—memorial to Congress, and resolution instructing our Senators and Representatives in Congress to ask aid for the Southern Pacific Railroad. Conn.....	436
58	Concurrent resolution extending an invitation to the Rev. Horatio Stebbins to address the Legislature on the subject of the State University. Pendegast.....	464
59	Concurrent resolution relative to purchasing two copies of the picture of "First in Peace," for the use of the Houses of the Legislature. Mandoville.....	455

SENATE CONCURRENT AND JOINT RESOLUTIONS.

Number.....	T I T L E .	Introduced.
60	Concurrent resolution relative to the employment by the Governor of an attorney to represent the State of California in matters relative to the State before the Department of the Interior, at the Federal Capital. Chappell.....	495
61	Concurrent resolution granting leave of absence from the State to W. J. Costigan, County Clerk of Solano County. Mizner.....	
62	Concurrent resolution requesting the Governor to return to the Senate, Senate Bill No. 206. Green.....	530
63	Concurrent resolution relative to establishing a daily mail route from Stockton to Millerton, and Post Offices on said route, etc. Lawrence.....	551
64	Concurrent resolution requesting the Governor to return Senate Bill No. 147, for correction. Teegarden.....	
65	Concurrent resolution relative to instructing the Enrolling Clerk to re-enroll Senate Bill No. 147, and to correct an error in the number of a section amended, etc. Teegarden.....	587
66	Concurrent resolution relative to adjournment in memory of Henry Hare Hartley. Curtis.....	625
67	Concurrent resolution to aid in developing the navigability of the Colorado River. Mizner.....	714
68	Concurrent resolution granting leave of absence to A. L. Fuller, Superintendent of Common Schools in Alameda County.....	
69	Concurrent resolution requesting the return by the Governor of Senate Bill No. 569, for correction. Chappell.....	731
70	Concurrent resolution relative to suspending Joint Rule number fifteen. Pearce....	844
71	Concurrent resolution relative to Committee to wait on Governor.....	857
72	Concurrent resolution relative to extra pay to H. Hubbard.....	840

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ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced..	Passed Assembly.....	Passed Senate.
1	An Act to provide for purchasing postage stamps and express envelops for members and officers of the Legislature, at its seventeenth session. Steele.....	105	105	118
2	An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters. Westmerland.....	105	590	691
3	An Act to repeal all laws requiring political or other test oaths. Green.....	116		
4	An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise. Steele.....	120		
5	An Act to amend an Act entitled an Act to create the County of Inyo and to define its boundaries, and to provide for its organization, approved March twenty-second, eighteen hundred and sixty-six. Meagher.....	120	234	
6	An Act to provide for the payment of the debt of Inyo County, and for other purposes. Meagher.....	120	234	550
7	An Act to repeal an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, passed March sixteenth, eighteen hundred and fifty-five. Broderson	120		
8	An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three. Dwinelle.....	120		
9	An Act to repeal an Act entitled an Act to provide for the better observance of the Sabbath, passed April tenth, eighteen hundred and fifty-eight. Broderson.....	120		

Number.....	T I T L E .	Introduced...	Passed Assem- bly.....	Passed Senate.
10	An Act to repeal an Act entitled an Act for the better observance of the Sabbath, passed May twentieth, eighteen hundred and sixty-one. Broderson.....	120		
11	An Act to repeal an Act entitled an Act to prohibit the keeping open of markets and the vending of meats, game, vegetables or other market products, in the City and County of San Francisco, on the Sabbath day, passed March twenty-seventh, eighteen hundred and sixty-two. Broderson.....	120		
12	An Act making appropriations for the seventeenth session of the Legislature. Augney.....	121	126	261
13	An Act to appropriate money to pay the claim of John Keleher, Register, and William H. Pratt, Receiver of the United States Land Office, at Humboldt, for official services in locating certain State lands. Westmoreland.....	121		
14	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts. Moore.....	121		
15	An Act to authorize Bernard S. Fox, guardian of Catharine Foley, a minor, to sell the real estate of said minor. Moore	121		
16	An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara. McElbany.....	121	271	400
17	An Act concerning roads and highways in the County of Humboldt, and to provide for the election of Road Overseers and the appointment of a Road Superintendent in that county, with other matters connected therewith. Westmoreland.....	121		
18	An Act concerning assessment rolls and other official proceedings to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors and defects therein, in the County of San Diego. Hayes.....	121		
19	An Act defining the rights, privileges and duties of coparceners, joint tenants and tenants in common, in the occupation of lands and tenements held in common. Brown of Contra Costa.....	121	405	
20	An Act concerning tax on dogs in the counties or townships of this State, conferring certain powers on the Boards of Supervisors of the respective counties, and to repeal a certain Act therein named. Westmoreland.....	121		
21	An Act defining the legal distance from the county seat of Mendocino County to the State Capital, Lunatic Asylum and State Prison. Cureton.....	125	791	
22	An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight. Brown of Contra Costa.....	125	403	

Number.....	T I T L E.	Introduced...	Passed Assembly.....	Passed Senate.
23	An Act in relation to the office of Assessor of the City and County of San Francisco. Farish.....	125	335	440
24	An Act amendatory to an Act fixing the salary of the County Judge of Mariposa County, approved May thirteenth, eighteen hundred and sixty-one. Giltner.....	125		
25	An Act to authorize the County of Sonoma to donate bonds to the Sonoma Valley and Vallejo Railroad Company, and provide for the payment of the same. Warfield.....	125		
26	An Act to repeal an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six. Moore.....	126		
27	An Act fixing the salary of the County Judge of Santa Clara County. Moore.....	126	148	
28	An Act concerning Justices of the Peace and Constables in the County of Tuolumne. Mardis.....	126		
29	An Act in relation to the indigent sick in the County of Humboldt. Westmoreland.....	126	249	291
30	An Act to authorize Arza Porter and his associates to construct and maintain a wagon road from the Town of Santa Barbara to the Santa Ynez River, in Santa Barbara County, and to collect toll for travel thereon. McElhany.....	126	216	261
31	An Act for the protection of Greenwood Cemetery and other cemeteries in the vicinity of Grass Valley, Nevada County. Days.....	130	249	307
32	An Act to authorize Leopold Miller, Charles Lux and others, to establish and maintain slaughter houses within certain limits of the City and County of San Francisco. Broderson	130		
34	An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and collect tolls for travel thereon. Caldwell.....	130	249	400
34	An Act for the encouragement of mining. Rollins.....	130		
35	An Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado. Willets.....	130		
36	An Act changing the name of the County of Humboldt to that of the County of Humboldt Bay. Westmoreland.....	131		
37	An Act to authorize the location of the San Francisco and Alameda Railroad from Haywards to Washington Corners, in the County of Alameda. Church.....	131	182	253
38	An Act to give to grand and trial jurors mileage in the County of Marin. Aldes.....	131	322	400
39	An Act amendatory of and supplementary to an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one. Brown of Contra Costa.....	131	745	

Number.....	TITLE.	Introduced....	Passed Assembly.....	Passed Senate.
40	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and all Acts supplemental thereto and amendatory thereof. Brown of Contra Costa.....	131		
41	An Act amendatory of and supplementary to an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the Revenue Acts of this State, approved April second, eighteen hundred and sixty-six. Ayer.....	131		
42	An Act regulating fees for the Probate Court of San Joaquin County. Morrow.....	131	152	
43	An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes. Meagher.....	146	234	306
44	An Act to amend an Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and sixty-three. O'Malley.....	146		
45	An Act to provide for the payment of the company fund allowance to the companies comprising the regiment formerly known as the Sixth Regiment of Infantry, Second Brigade, California State Militia. Russ.....	146		
46	An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County. Crigler.....	147	351	953
47	An Act to pay trial jurors and witnesses in criminal cases in the County of Yuba. Smith.....	147		
48	An Act granting the right to John W. Smith, or his assigns, to maintain a bridge across Trinity River, on the wagon road from Hayfork Valley to Weaverville, in Trinity County. Jones.....	147	256	
49	An Act to authorize certain counties therein named to receive grants of land from the United States Government for the purpose of constructing public roads in said counties. Westmoreland.....	147	279	449
50	An Act to amend section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty. Middleton.....	151	247	383
51	An Act to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses, in Sacramento County. Cureton.....	151	264	665
52	An Act to authorize Titus Hale, Austin Malrath, William McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the Town of Monterey to the Rancho Natividad, and to construct a wharf at the Town of Monterey. Tully.....	151		
53	An Act concerning corporations. Moore.....	151		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
54	An Act to protect the wages of labor. Parish.....	151	265	690
55	An Act concerning the office of County Clerk of the City and County of San Francisco. Lupton.....	151	235	429
56	An Act to reduce the salary of the County Judge of Calaveras County. Mentzell.....	156	178	291
57	An Act to repeal an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to tax private lands for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four. Connelly.....	156	658	976
58	An Act to regulate the salary of the County Judge of Los Angeles County. Ellis.....	156		
59	An Act to fix the salary of the County Judge of San Diego County. Hayes.....	156	172	
60	An Act to restrict the herding of sheep and goats in the County of San Diego. Hayes.....	156	249	
61	An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same. Morrow.....	156	246	307
62	An Act for the relief of James P. McFarland and his assignees. Watson.....	159	279	649
63	An Act supplementary to an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved February eighth, eighteen hundred and sixty-four, and to make the same applicable to San Antonio Creek, in Los Angeles County. Watson.....	159		
64	An Act to authorize Thomas D. Mott, S. Haley, A. J. King, George Carson and associates, to build a wharf or wharves at the Port of San Pedro, in the County of Los Angeles. Watson.....	159	270	440
65	An Act to authorize L. J. Long and L. H. Long to construct and maintain a turnpike road from Cloverdale, in Sonoma County, to intersect with the county road at or above Sanel, on Russian River, in Mendocino County, and to charge and collect toll thereon. Cureton.....	159		
66	An Act for the relief of the County Treasurer of San Diego County. Hayes.....	159		
67	An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six. Tully.....	170	509	394
68	An Act to extend the time for finishing the construction of a wharf under the provisions of an Act entitled an Act to authorize the construction of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six. Brown of Contra Costa.....	170	180	291

Number.....	T I T L E .	Introduced...	Passed Assembly.....	Passed Senate.
69	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and of an Act amendatory of and supplementary to said Act, approved April nineteenth, eighteen hundred and fifty-nine, approved March eighteenth, eighteen hundred and sixty-two. Middleton.....	171		
70	An Act for the relief of James H. Yates. Buckbee.....	171	189	394
71	An Act to legalize and confirm the election of certain officers in the Town of Sonora, Tuolumne County, and other matters. Mardis.....	171		
72	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one. Comte	171	249	880
73	An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-seventh, eighteen hundred and sixty-three. Wand.....	179	949	
74	An Act to legalize the acts of the Board of Supervisors of Amador County whilst sitting as a Board of Equalization for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven. Gregory.....	180	249	538
75	An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their duties and powers, approved March thirty-first, eighteen hundred and sixty-six. Gregory.....	180	228	691
76	An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes. Gregory.....	180	228	538
77	An Act to repeal a part of an Act of April seventeenth, eighteen hundred and sixty-one, to amend an Act entitled an Act for the protection of game. Giltner.....	189	271	
78	An Act to provide for the payment of the State's proportionate part of the County Auditor's salary in the County of Sutter. Spilman.....	189	353	
79	An Act to authorize the County Judges of this State to hold terms of the County Court and Probate Court in counties other than those for which they were respectively elected. Spilman.....	189	343	
80	An Act to authorize an appropriation of eight hundred dollars to pay J. M. Sharkey, M. D., for medicine supplied and medical attendance upon Honorable Thomas Campbell, deceased, during his last illness. Papy.....	189		
81	An Act to provide for the relief of Drury P. Baldwin. Papy..	189	236	253
82	An Act for the relief of James Spect. Spilman.....	189		
83	An Act for reviewing, revising, amending, codifying and compiling the laws of the State of California. Steele.....	194		

Number.....	T I T L E.	Introduced..	Passed Assembly.....	Passed Senate.
84	An Act to authorize and empower E. A. Schwatka, of Siskiyou County, California, to take from the State Prison, at San Quentin, a number of State Prison convicts, not exceeding one hundred, for the purpose of constructing roads along and over the mountains of Siskiyou, Klamath, Del Norte and Humboldt Counties, and to provide for their care and support. Steele.....	195	593	
85	An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Steele.....	195		
86	An Act for the relief of Joseph Craig, County Treasurer of Trinity County. Jones.....	195		
87	An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four. Dwinelle.....	195	246	
88	An Act to regulate the taking up and holding of mining claims in the State of California. Steele.....	200	910	
89	An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee. Dwinelle.....	200	342	
90	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Jones..	200		
91	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Rollins.....	200	840	952
92	An Act to establish a Board of Health for the City and County of San Francisco. Seudder.....	200	406	
93	An Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six. Seudder.....	201		
94	Substitute for Assembly Bills Nos. 3 and 8—An Act to repeal certain statutes requiring political and other test oaths. Judiciary Committee.....	197		
95	An Act to authorize the Controller of State to issue a duplicate warrant to Justus Brooks. Cochran.....	200	360	
96	Substitute for Assembly Bill No. 28—An Act to amend an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three. Judiciary Committee.....	197	404	
97	An Act repealing all Acts heretofore passed exempting certain property from taxation. Mentzell.....	206		
98	An Act to fix the terms of the District Court in the Fifth Judicial District. Oliver.....	206		

Number.....	TITLE.	Introduced...	Passed Assem- bly.....	Passed Senate.
99	An Act to repeal an Act entitled an Act, respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two. Batchelder.....	206	227	338
100	An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of certain moneys in said county. Westmoreland.....	206	247	276
101	An Act relative to the duties of the Supervisors of all the counties of the State of California. Mentzell.....	206	256	
102	An Act for the relief of Calaveras County and all other mining counties. Mentzell.....	206	470	559
103	An Act authorizing the construction of a wharf at New San Diego, in San Diego County, by Stephen S. Culverwell and others. Hayes.....	206	246	
104	An Act to define the boundaries of San Diego County. Hayes	206	822	999
105	An Act in relation to the militia of this State. Canavan.....	206	818	
106	An Act to pay for services rendered in the State Department. Green.....	211	359	449
107	An Act to incorporate the City of Monterey. Tully.....	214	591	836
108	An Act for the relief of T. A. Brady. Lupton.....	214		
109	An Act to legalize two certain conveyances of real estate heretofore executed to Gretta C. Thompson. Dwinelle.	214		724
110	An Act for the relief of Henry N. Morse, Sheriff of the County of Alameda. Dwinelle... ..	214	248	307
111	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Payne.....	215		
112	An Act for the protection of grain fields and vineyards in the County of Sonoma. Warfield.....	215	263	
113	An Act to amend section seven of an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon, approved March third, eighteen hundred and sixty-six. Dwinelle.....	215	228	291
114	An Act to establish and define the powers and duties of the Board of Education of the City of Oakland, in the County of Alameda, and to repeal former Acts regulating the same. Dwinelle.....	215		
115	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Willets..	215	353	560
116	An Act to provide for the drainage of the City of Sacramento and of the lands of Swamp Land District Number Two. Coggins.....	215	566	628

ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	T I T L E .	Introduced...	Passed Assembly.....	Passed Senate.....
117	An Act to authorize the Board of Supervisors of Butte County to grant relief to William S. Reese, of said county, on account of certain lost warrants owned by him. Ord.....	215	279	
118	Substitute for Assembly Bill No. 98—An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-second, eighteen hundred and sixty-three. Judiciary Committee....	208	227	235
119	An Act to repeal an Act entitled an Act concerning assessment rolls and returns to be made of property exempt from taxation, and also an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the Revenue Act of this State. Committee on Ways and Means.....	220	236	
120	Substitute for Assembly Bill No. 44—An Act to limit the hours of labor. Judiciary Committee.....	221	312	477
121	Substitute for Assembly Bills Nos. 3, 8 and 94—An Act to repeal certain statutes requiring political or other test oaths. Judiciary Committee.....	222	342	
122	An Act to explain and repeal an Act for the encouragement of silk culture in California. Committee on Agriculture.....	222		
123	An Act to amend the one hundred and sixty-fifth section of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one. Buckbee.....	226		
124	An Act to amend an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four. Tuttle.....	226		
125	An Act to amend section four hundred and fifty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Tuttle.. ..	226		
126	An Act to authorize the Sheriff of the City and County of San Francisco to appoint Porters for the City Hall in said city and county. Papy.....	226	335	
127	An Act to fix and establish the boundaries of the County of San Mateo. Mattingly.....	226	613	722
128	An Act authorizing J. H. Baird and others to lay down and maintain a railroad in the City and County of San Francisco. Canavan.....	226		
129	An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California. Farish.....	226		920
130	An Act to fund the debt of El Dorado County. Bird.....	226		
131	An Act to amend an Act entitled an Act to provide for incorporation of railroad companies and the management of the			

Number.	T I T L E.	Introduced...	Passed Assembly.....	Passed Senate.
	affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Bird.....	226		
132	An Act to fix the salary of the Superintendent of Public Instruction of Lake County. Crigler	226	397	441
133	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Angney.....	226	262	977
134	An Act in relation to the county offices of the County of Sierra. Battelle.....	226	453	740
135	An Act concerning roads and highways in the State of California. Moore.....	227		
136	An Act to authorize Charles M. Benbrook, Samuel Maben and Marcus D. Brundige to construct and maintain a turnpike road from Elizabeth Lake to Searl's Stand, in the County of Los Angeles. Wand.....	227	280	332
137	An Act to amend section twenty-one of the Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereof, passed April nineteenth, eighteen hundred and fifty-six. Buckbee.....	233		
138	An Act to amend an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six. Willets.....	233	249	393
139	An Act to amend the sixtieth and sixty-first sections of an Act concerning crimes and punishments, amended and approved April nineteenth, eighteen hundred and fifty-six. Ellis.....	233	334	537
140	An Act to provide for the payment of per diem and mileage to witnesses, petit and grand jurors in the County of Los Angeles. Ellis.....	233		
141	Substitute for Senate Bill No. 13—An Act to amend section two hundred and nineteen of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent enactments. Judiciary Committee	237	335	
142	An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pischoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco. Tully...	241	469	836
143	An Act to authorize the Controller of State to credit Ezra Woolson, Treasurer of Sacramento County, with certain lost licenses. Coggins.....	241	335	
144	An Act to change the boundary line between the Counties of Sutter and Butte. Spilman.....	241		
145	An Act to amend sections seven and eleven of an Act entitled			

Number.....	T I T L E .	Introduced...	Passed Assembly.....	Passed Senate.....
	an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three. Gregory..	244		
146	An Act to amend sections six, ten and thirteen of an Act entitled an Act concerning juries in certain counties, approved April fourteenth, eighteen hundred and sixty-four. Gregory	245		
147	An Act to amend sections one hundred and ninety-seven, two hundred and ten, two hundred and eleven, two hundred and twenty, two hundred and twenty-nine and two hundred and thirty of an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and an Act amendatory thereof, passed April eighth, eighteen hundred and fifty-nine. Gregory.....	245		
148	An Act entitled an Act to grant certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon. Papp.....	245	483	835
149	An Act to legalize the registration of certain names in the Great Register of Trinity County. Jones.....	245		
150	An Act to amend an Act entitled an Act to amend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty-six.....	245	387	440
151	An Act to provide for the construction of a plank or macadamized road in the City and County of San Francisco, and for the collection of tolls thereon. Farish.....	245		
152	An Act to amend section four of an Act entitled an Act to provide for the amount of fees paid to certain officers, approved April first, eighteen hundred and sixty-four, and supplementary to said Act. Westmoreland.....	245		
153	Substitute for Assembly Bill No. 101. Judiciary Committee...	243	263	
154	An Act to pay the claim of James Brennan. Canavan.....	245		
155	An Act to grant the Hayes Valley Hose Company the right to exempt firemen certificates. Canavan.....	245		
156	Substitute for Assembly Bill No. 18—An Act concerning assessment rolls and other official proceedings to raise revenue for the support of the Government of this State, and to provide for the amendment of omissions, errors and defects therein. Judiciary Committee.....	251	323	
157	An Act concerning county records of Los Angeles County. Watson.....	254		
158	An Act to amend an Act to exempt homestead and other property from forced sales in certain cases. Bird.....	254		
159	An Act to authorize E. J. Brickell and George Geisenthorfer, and their associates and assigns, to improve the channel of the Truckee River from its source to the Town of Truckee, and to erect floodgates therein, and collect tolls. Westmoreland.....	254		

Number.....	T I T L E .	Introduced...	Passed Assembly.....	Passed Senate.
160	An Act to amend section ten of the Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty. Buckbee.....	254	352	439
161	An Act to amend an Act passed April twenty-ninth, eighteen hundred and fifty-one, entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State. Green...	265		
162	An Act to authorize J. E. Skidmore and others to construct and maintain, own, hold and work a line or lines of telegraph in this State, between the Town of San Mateo, in San Mateo County, and the Town of Pescadero, in Santa Cruz County. Mattingly	255	340	558
163	An Act for the relief of Thomas Sawyer, Joseph D. Butler and William McDermott. Mahon.....	255		
164	An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works. Middleton.....	254	342	440
165	An Act to authorize Z. B. Heywood and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, in Alameda County. Dwinelle.....	255	351	478
166	An Act to define the boundary line between Merced and Stanislaus Counties. Newsom.....	255	251	440
167	An Act supplementary to an Act entitled an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three, approved February eighteenth, eighteen hundred and sixty-four. Battelle.....	255	443	559
168	An Act to authorize the State Controller to draw his warrant on the State Treasurer in favor of the Treasurer of Sacramento County for three thousand and twenty-one dollars and forty cents on account money overpaid to the State at the special settlement in December, one thousand eight hundred and sixty-seven. Comte	255	352	690
169	An Act to repeal an Act entitled an Act for the encouragement of silk culture in California, approved April second, eighteen hundred and sixty-six. Judiciary Committee.....	250	508	
170	An Act to appropriate money to pay the claims of W. D. Hariman and William G. Wood. Papy.....	262	861	
171	An Act to authorize the Board of Supervisors of the County of Trinity to release the County Treasurer of said county from the payment of certain moneys. Jones.....	262	271	383
172	An Act to legalize the incorporation of the Town of Healdsburg, in Sonoma County. Warfield.....	262	493	691
173	An Act to create the Seventeenth Judicial District. Ellis.....	262	579	
174	An Act to repeal an Act approved April first, eighteen hundred and sixty-four, entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments. Kelley.....	262		

Number.....	TITLE.	Introduced...	Passed Assembly.	Passed Senate.
175	An Act to authorize the construction of a wagon road from Lafayette, in Contra Costa County, to the boundary line of Alameda County, and to collect toll thereon. Brown of Contra Costa.....	262		
176	An Act to regulate the payment of the salary of the County Judge of Mendocino County. Cureton.....	269		
177	An Act to enable Mendocino to redeem its bonds. Cureton.....	269		
178	An Act to grant to W. C. James and his assigns the right to maintain a turnpike and to charge and collect tolls thereon. Cureton	269		
179	An Act concerning roads and highways in the County of Mendocino. Cureton	269	825	936
180	An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of May, A. D. eighteen hundred and sixty-six. Westmoreland.....	269	505	650
181	An Act to furnish the counties of the State with official plats and field notes of the United States surveys made therein. Wand.....	270		
182	An Act fixing the time for holding the District Court in the County of Colusa. Green.....	270		
183	An Act to amend the second section of an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty. Angney.....	270	335	538
184	An Act to provide for the issue of duplicates for lost warrants. Wolleb.....	270		
185	An Act to amend section one hundred and eighty-nine of the Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Buckbee.....	270		
186	An Act supplemental to an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Battelle.	278		
187	An Act to amend sections two hundred and sixty-four and two hundred and sixty-five of an Act to regulate proceedings in civil cases in the Courts of justice of this State. Tuttle.....	277		
188	An Act to remove the disability of minority and to declare Henry Clay Lefevre of lawful age. Cureton.....	277		
189	An Act defining the legal distances from each county seat to the Capital, Insane Asylum and State Prison. Ayer.....	277		952
190	An Act granting to William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County. Pardee.....	278	379	690
191	An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County. Mardis.....	278	379	464

Number	T I T L E .	Introduced...	Passed Assem- bly	Passed Senate.
192	An Act to provide for paving the streets in the City and County of San Francisco. Papy.....	278	509	690
193	An Act to build a railroad from San José to Santa Clara, in the County of Santa Clara. Moore.....	278	495	650
194	An Act for the relief of Charles Carvalho. O'Malley.....	277		
195	Substitute for Assembly Bill No. 12—An Act to appropriate money for contingent expenses of the Legislature. Senate..	261	278	
196	Substitute for Assembly Bill No. 175—An Act to authorize the construction of a wagon road from Lafayette, in Contra Costa County, to the boundary line of Alameda County, and to collect tolls thereon. Contra Costa Delegation.....	275	294	
197	An Act concerning the office of Recorder of the City and County of San Francisco. Papy.....	292	592	836
198	An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof, and to authorize the appropriation of moneys by said Board, approved April twenty-seventh, eighteen hundred and sixty-three. O'Malley.....	292		
199	An Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of Article four of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved April twenty-fifth, eighteen hundred and sixty-two, approved April, eighteen hundred and sixty-three. Dwinelle	292		
200	An Act to authorize the City Council of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same. Dwinelle.....	292	567	740
201	An Act authorizing the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds for fifty thousand dollars for the purpose of raising a fund to construct a wagon and turnpike road from some point near Hydesville, in that county, to the southern boundary line of that county, and from near the Town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote on the matter of the issuance of said bonds; to provide for the payment of the interest thereon and the principal thereof. Westmoreland.....	293	567	947
202	An Act to repeal an Act entitled an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven. McElhany.....	293		439
203	An Act for the payment of the claim of John H. Hammond for advances made on behalf of the State of California. Comte..	293		
204	An Act to amend an Act approved April twentieth, eighteen			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
	hundred and sixty-three, entitled an Act concerning the Courts of justice of this State and judicial officers. Ryland.....	293	352	
205	An Act to authorize Titus Hale, Austin Walrath, William McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the City of Monterey to the Ranch Natividad, and to construct a wharf at the City of Monterey. Tully	296	341	463
206	An Act to provide for the issuance of duplicates of Controller's and other warrants when the originals have been lost or destroyed. Judiciary Committee.....	296	342	
207	Substitute for Assembly Bill No. 182—An Act to re-enact and amend section eleven of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and to repeal section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Fourth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six. Judiciary Committee.....	302	351	359
208	Substitute for Assembly Bill No. 79—An Act to authorize the County Judges and Probate Judges of this State to hold terms of the County Court and Probate Court in counties other than those for which they were respectively elected. Judiciary Committee.....	302		
209	Substitute for Assembly Bills Nos. 14, 40, 90, 123, 125, 185 and 187—An Act to amend sections one hundred and sixty-five, one hundred and eighty-nine, four hundred and forty-eight, five hundred and forty-three, five hundred and eighty-two and six hundred and twenty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts. Judiciary Committee.....	303	633	
210	Substitute for Assembly Bill No. 102—An Act granting to the mining counties of this State the foreign miners' tax collected in said counties severally. Committee on Mines and Mining Interests.....	304		
211	An Act to provide for the payment of the State's portion of the salary of the County Auditor of Alameda County. Church..	309	370	
212	An Act to provide for the appointment of an Inspector of Butchers' meats in the City and County of San Francisco. Scudder.....	309		
213	An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of wines and liquors. Wand..	309	672	999
214	An Act concerning warrants drawn on the County Treasurer or County Treasury, or any fund thereof, of the several counties of this State. Westmoreland.....	309		
215	Proposed amendments to section eighth of Article first of the Constitution of the State of California. Gregory.....	310		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
216	An Act to amend section eight of an Act entitled an Act to authorize the City and County of Sacramento to subscribe to the capital stock of the Central Pacific Railroad Company of California, and providing for the payment of the same and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three. Batchelder.....	310		
217	An Act to authorize certain parties therein named to construct and maintain a toll road from Lower Lake, in Lake County, to Salt Creek Cañon, in Colusa County. Crigler.....	310	353	
218	An Act to amend an Act dividing the State into counties, and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one. Martin.....	310	342	393
219	An Act concerning the office of Reporter of the Supreme Court. Hayes.....	310		
220	An Act to legalize acknowledgments of deeds of husband and wife taken before and certified by County Clerks. Hayes....	310	503	650
221	An Act concerning conveyances by Indian pueblos for public purposes. Hayes.....	310	743	974
222	An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, eighteen hundred and sixty-six. Morrow.....	310	361	
223	An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco. Middleton.....	310	807	879
224	An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco. Middleton	310	807	881
225	An Act concerning railroad companies in the City and County of San Francisco. Middleton.....	310	592	783
226	An Act to authorize the Board of Supervisors of the City and County of San Francisco to issue bonds to build a City and County Hospital. Middleton.....	310	547	
227	An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms. Middleton.....	310	481	975
228	An Act to provide for the protection of the harbor of the City and County of San Francisco. Middleton	311	508	835
229	An Act to amend an Act entitled an Act to amend an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six. Middleton	311	481	449
230	An Act to amend section twenty-seven of the Civil Practice Act in relation to filing notice of pendency of actions. Dwinelle	311		
231	An Act to amend section two hundred and fifty-four of the Civil Practice Act. Dwinelle.....	311		

Number.....	T I T L E.	Introduced...	Passed Assem- bly.....	Passed Senate.
248	An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures. Giltner	320	353	440
249	An Act to prevent the destruction of property from camp fires and firearms. Gregory.....	320	888	
250	An Act to amend an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five. Brown of Contra Costa.....	320	547	
251	An Act to amend section thirteen of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Brown of Contra Costa.....	320		
252	An Act to authorize Jane Spencer and Golder Field, administrators of the estate of Daniel L. Spencer, deceased, to sell lands belonging to the estate. Brown of Contra Costa.....	320	850	
253	An Act to provide for the payment of the expenses of the State Surveyor-General in adjusting land titles at Washington. Green.....	320	582	859
254	An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county. Middleton.....	320	482	
255	An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county and to provide for the payment of the same. Pardee.....	320	354	836
256	An Act to provide for the collection of the revenue in and for Lake County, and other matters relating thereto. Crigler....	320	353	558
257	An Act to amend an Act to provide for the construction of the State Capitol, in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty. Bird.....	321		
258	An Act to exempt exempt firemen from the payment of State poll tax. Scudder	321		
259	An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte. Rector.....	334	354	439
260	An Act entitled an Act authorizing Evert C. Evertsen, his heirs or assigns, to remove the remains of deceased persons from an abandoned graveyard in the City of Los Angeles. Watson.....	334	482	
261	An Act to regulate the election of Supervisors in the County of Merced. Newsom.....	334	354	440
262	An Act amendatory of and supplemental to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six. O'Malley.....	334	508	639
263	An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six. Pardee.....	334	790	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
264	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Payne.....	334		
265	An Act to submit to the qualified voters of Butte County the question of the removal of the seat of justice of said county. Cochran.....	339		
266	An Act to prevent stallions, bulls and boars from running at large in the County of Butte. Cochran.....	340		
267	An Act to authorize the Board of Supervisors of the City and County of San Francisco to order paid claims for services of judges and clerks of elections. Canavan.....	339		
268	An Act to authorize H. T. Templeton and S. P. Middleton, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco. Dwinelle.....	339		
269	An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Ryland..	340	595	
270	An Act amendatory of and supplemental to an Act to provide for the licensing of auctioneers and to define their duties and liabilities, approved April eighteenth, eighteen hundred and fifty-nine. Angney.....	339		
271	An Act to grant to W. H. Davis the title of the State of California in certain property situated on the water front of the Town of New San Diego. Hayes.....	339		
272	An Act to grant to the heirs of Miguel de Pedrorena, deceased, the title of the State of California in certain property situated on the water front of the Town of New San Diego. Hayes..	339		
273	An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company and to extend the time of performing certain acts. Hayes.....	340	669	975
274	An Act to re-incorporate the City of San Diego. Hayes.....	340	791	974
275	An Act to grant to the heirs of José Antonio Aguirre, deceased, the title of the State of California in certain property situated on the water front of the Town of New San Diego. Hayes..	339		
276	An Act to amend section twenty-two of an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six. Batchelder.....	340		
277	An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Papy.....	340		
278	An Act to amend an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County. Payne.....	340	453	538
279	An Act to amend an Act entitled an Act to provide for the			

Number.....	TITLE.	Introduced...	Passed Assem- bly.....	Passed Senate.
	formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three. Wand.....	350		
280	An Act for securing liens of mechanics and others. Canavan..	358	814	945
281	An Act to authorize George Hearst, Louis Schloss, S. W. Glazier, W. A. Bolinger and Frank M. Pixley, their associates and assigns, to construct gas works, etc. Farish.....	350	773	
282	An Act to amend sections three and four of an Act to divide the State into judicial districts. Mattingly.....	350		
283	An Act to provide for re-indexing the county records of San Mateo County. Mattingly.....	350	387	464
284	An Act to amend an Act entitled an Act to protect sheep, Cashmere and Angora goats from the ravages of dogs, ap- proved March thirteenth, eighteen hundred and sixty-six. Tully.....	351		
285	An Act to repeal an Act entitled an Act to authorize the adminis- trator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty, and an Act entitled an Act to amend an Act entitled an Act to authorize the administrators of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one. Moore.....	351	406	440
286	An Act to create a Jury Fund and fix the compensation of grand and trial jurors in Calaveras County. Ayer... ..	359	747	836
287	An Act to amend section eighteen of an Act entitled an Act to establish and maintain public pounds for the better secur- ing of estrays and other stock in the County of Alameda, ap- proved March thirty-first, eighteen hundred and sixty-six. Dwinelle.....	359	893	939
288	An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools. Spencer.....	359	453	724
289	An Act to confer additional powers on the Board of Super- visors of the City and County of San Francisco. Middleton...	359	510	690
290	An Act to regulate fees of office. Committee on Fees and Salaries.....			
291	An Act to allow the poll tax now collected in this State to the several counties wherein collected. Mentzell.....	368		
292	An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza, in said city. Moore.....	368	404	
293	An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey and Alameda. Ryland.....	368	444	881
294	An Act amendatory of an Act approved March first, eighteen hundred and sixty-four, entitled an Act concerning the offices of County Clerk, Sheriff and County Recorder of the City and County of San Francisco, approved March seventh, eigh- teen hundred and fifty-nine. Scudder.....	368	469	836

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
295	An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant). Lupton.....	368	581	836
296	An Act to locate the State Capitol. Tuttle.....	377		
297	An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four. Waldron.....	377	495	
298	An Act to grant to certain parties herein named the right to construct and maintain a turnpike or toll road from or near the Town of Millerton, Fresno County, to Crane Valley. Mace.....	377	404	619
299	An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof. Middleton	377	415	
300	An Act to relieve the owners of incumbered real estate from double taxation. Brown of Tulare.....	377	787	
301	An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, A. D. eighteen hundred and sixty. Morrow.....	377	443	559
302	An Act to provide for surveying and establishing the southern boundary of the State of California as between this State and the Territory of Arizona. Hayes.....	377		
303	An Act in relation to the public schools in the City of Sacramento. Biggs.....	377	387	440
304	An Act to amend section two of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four. Gildea	377	397	936
305	An Act concerning warrants applicable to the County of Mendocino. Cureton.....	377	504	650
306	An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey. Tully.....	379	615	
307	An Act to regulate fees of office. Committee on Fees and Salaries.....	410	505	858
308	An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco and to grant certain privileges named therein. Middleton.....	386		
309	An Act to amend section six of an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two. Newell.....	386	850	93
310	An Act for the relief of Patrick Donohue. Scudder.....	386		

Number.....	T I T L E .	Introduced...	Passed Assembly.....	Passed Senate.
311	An Act to provide for the payment of Registers and Receivers of the United States Land Offices in this State certain fees. Connelly	386	480	559
312	An Act to provide for the disposition of the pueblo lands of the City and County of San Francisco. Broderson.....	386		
313	An Act authorizing the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land to be used as a public graveyard. Spilman....	386	482	722
314	An Act granting to James H. White the right to purchase certain lands covered with water now owned by the State of California, situate in the City and County of San Francisco. Brown of Contra Costa.....	386		
315	An Act to expedite the settlement of titles to land within the former corporate limits of San Francisco, as defined by the statute of April, eighteen hundred and fifty-one. Papy.....	386		
316	An Act to authorize the Supervisors of the City and County of San Francisco to compromise with the adverse claimants to lots in Lafayette Park and Alamo Square. Papy.....	395	504	
317	An Act to authorize the Board of Supervisors of the City and County of San Francisco to contract with the Nicholson Pavement Company. Papy.....	395		
318	An Act to authorize the Board of Supervisors of San Joaquin County to levy a tax on the real estate and improvements thereon in Swamp Land District Number Seventeen, for the purpose of repairing and rebuilding the levees therein. Morrow.....	395		
319	An Act providing a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers, and their tributaries. Kelley.....	395	443	559
320	An Act to provide for the payment of the State's portion of the County Auditor's salary in the County of Trinity. Jones....	401	483	
321	An Act to provide for the permanent improvement of a certain portion of the water front of the City and County of San Francisco for the purposes of commerce and navigation. Middleton	401		
322	An Act to amend an Act entitled an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six. Middleton.....	401	808	945
323	An Act to regulate the military of the State of California. Wolleb	401		
324	An Act amendatory of and supplemental to an Act entitled an Act to establish a standard of weights and measures, passed April fourth, eighteen hundred and sixty-one. Scudder.....	401		
325	An Act for the relief of Patrick Creighton. Mahon.....	401		
326	An Act to regulate judicial sales and foreclosures, etc. Judiciary Committee.....	401		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.....
327	An Act to amend section thirty of an Act to provide revenue for the support of the Government of this State. Smith.....	401		
328	An Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, eighteen hundred and fifty-one. Brown of Contra Costa.....	400	681	
329	An Act to incorporate the Santa Cruz Savings Bank. Pardee..	401	494	
330	An Act for the relief of D. F. Verdenal. Comte.....	401		
331	An Act to amend an Act entitled an Act supplementary to and explanatory of the Revenue Laws of the State, approved April second, eighteen hundred and sixty-six. Ellis.....	401		
332	An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisor in the County of San Diego. Hayes.....	401	508	650
333	An Act to provide for the construction and use of Mission Creek Canal, in the City and County of San Francisco. O'Malley.....	405		
334	An Act to restore the county boundaries of the Counties of Sierra, Yuba and Plumas. Battelle.....	412	849	
335	An Act to prohibit barbarous and vulgar amusements. Broder-son	412		
336	An Act to provide for the relief of the indigent sick of San Mateo County. Mattingly.....	412	656	836
337	An Act more strictly defining the duties of the Board of Supervisors and other officers of Humboldt County, to place the affairs of that county on a cash basis and reduce public expenditures and taxation therein. Westmoreland.....	412		
338	An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named. Lee.	412	582	
339	An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two. Farish.....	412		
340	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Gregory.....	412		
341	An Act to amend an Act requiring compensation for causing death by wrongful act, neglect or default, approved April twenty-sixth, eighteen hundred and sixty-two. Brown of Contra Costa.....	412		
342	An Act for the relief of E. H. Wood. Tully.....	415		
343	An Act granting a wharf franchise in the City of Sacramento. Comte.....	420	731	
344	An Act to grant a new charter to the City of Oakland. Dwinelle	420		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
345	An Act to provide for the payment of assessments against the property of the Government of the United States for street improvements in the City and County of San Francisco. O'Malley.....	418	483	650
346	An Act supplementary to an Act to establish a Board of Health for the City and County of San Francisco and to define the powers and duties thereof. Scudder.....	419	567	
347	An Act to repeal section thirteen of an Act entitled an Act to provide for binding minors as apprentices, clerks and servants, approved April tenth, eighteen hundred and fifty-eight. James.....	419		
348	An Act to authorize Antonio Giorgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands included in tide lands survey number eighty-two, County of Alameda. Church.....	419	613	768
349	An Act granting the poll taxes in Los Angeles County to that county. Ellis.....	418		
350	An Act to amend the Act approved April fourth, eighteen hundred and sixty-four, entitled an Act in relation to proceedings in certain suits. Brown of Contra Costa.....	419		
351	An Act supplementary to an Act entitled an Act for encouragement of agriculture and manufacturing in California, approved April twenty-fifth, eighteen hundred and sixty-two. Moore.....	419	743	976
352	An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general railroad laws of this State, and to provide for the payment of said bonds. Spilman.....	419	493	576
353	An Act for the preservation of fish and game. Dwinelle.....	420		
354	An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for repairs of the banks of Los Angeles River in the city, to levy a tax for street improvements, and for lighting the streets of said city with gas. Ellis.....	420	481	690
355	An Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty. Ellis.....	420	494	576
356	An Act declaring a creek in Sections Thirty-five and Thirty-six, Township Three south, Range Three west, Mount Diablo, navigable. Church.....	419	580	
357	An Act amendatory of sections one and eight of an Act entitled an Act to provide for a street railroad within the City and County of San Francisco and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three. Mahon.....	419	823	936
358	An Act concerning poll tax in the County of Monterey. Tully	419		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
359	An Act to provide for the appointment of a Chaplain for the State Prison. Davies.....	419		
360	An Act entitled an Act to legalize the assessment roll of the City of Los Angeles, for the year eighteen hundred and sixty-seven. Ellis.	420	469	559
361	An Act to amend an Act entitled an Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six. Ellis.....	420	494	576
362	An Act to incorporate the City of Vallejo. Frisbie.....	420	808	936
363	An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six. Mattingly.....	419	493	
364	An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Connelly.....	443	567	690
365	An Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six. Brown of Contra Costa.....	422	605	836
366	An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County. Brown of Contra Costa.	442	605	836
367	An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa. Brown of Contra Costa.....	442	605	768
368	An Act concerning water ditches and water privileges for agricultural purposes, in the County of Tulare. Brown of Tulare.....	442	482	576
369	An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of the city and county, approved April twenty-seventh, eighteen hundred and sixty-three. O'Malley.....	442	632	819
370	An Act to establish a Court in the City and County of San Francisco, to be called the Criminal Court of the City and County of San Francisco. Papy.....	442	658	
371	An Act to authorize and direct the Board of State Harbor Commissioners to execute and deliver a lease of a portion of the water front of the City of San Francisco to the Merchants' Floating Dry Dock Company. Middleton.....	442	655	
372	An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three. Comte.....	443	481	836

Number.....	T I T L E .	Introduced...	Passed Assembly.....	Passed Senate.
373	An Act supplemental to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six. Papy.....	442		
374	An Act to provide for the payment of the outstanding indebtedness of Fresno County. Mace.....	442	482	558
375	An Act for the relief of Captain John H. Gilmore. Church...	442	567	979
376	An Act to amend an Act entitled an Act concerning grand and trial jurors, approved April twenty-seventh, eighteen hundred and sixty-three. Church.....	443		
377	An Act to amend section two hundred and forty-seven of the Civil Practice Act. Steele.....	443		
378	An Act defining the duties of Supreme Court Reporter. Steele	443		
379	An Act to amend an Act for the relief of insolvent debtors and protection of creditors, passed May fourth, eighteen hundred and fifty-two. Steele.....	443		
380	An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes. Green.....	450		
381	An Act to authorize John N. Appleton, E. C. Winchell, and their associates and assigns, to improve the channel of King's River, in Fresno County, and to construct and maintain booms thereon. Mace.....	450	568	
382	An Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries and provide for its organization, approved April first, eighteen hundred and sixty-four. Buckbee.....	450	822	
383	An Act to amend an Act entitled an Act to provide for the election of Township Assessors in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four. Church.....	450	484	651
384	An Act to regulate the rates of dockage and wharfage at the port of San Francisco. Coggins.....	450		
385	An Act to amend an Act concerning the Harbormaster of the port of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-seven. Coggins.....	450		
386	An Act to amend an Act to establish pilots and pilot regulations for the ports of Mare Island, San Francisco and Benicia, approved April fourth, eighteen hundred and sixty-four. Coggins.....	450		
387	An Act to amend an Act relative to Port Wardens in San Francisco and Sacramento and other ports of California, approved March nineteenth, eighteen hundred and fifty-three. Coggins	450		
388	An Act to provide for the protection of stock from contagious diseases. Brown of Contra Costa.....	451		
389	An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved			

Number	TITLE.	Introduced...	Passed Assembly	Passed Senate.
	January seventeenth, one thousand eight hundred and sixty-six. Brown of Tulare.....	451	484	650
390	An Act to provide for the payment of services rendered by Registers and Receivers of United States Land Offices. Westmoreland.....	451	606	
391	An Act extending the time for the construction of the work provided for by an Act entitled an Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns therein named, approved April first, eighteen hundred and sixty-four. Westmoreland.....	451	618	
392	An Act in relation to liens of mechanics and others. Angney..	451		
393	An Act to amend an Act entitled an Act supplementary to and explanatory of the Revenue Laws of this State, approved April second, eighteen hundred and sixty-six. Ellis.....	452	658	
394	An Act to provide for paving the streets in the City and County of San Francisco. Lupton.....	452		
395	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Lupton.....	452		
396	An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six. Angney.....	452	546	692
397	An Act to amend section four of an Act amendatory of and supplemental to an Act entitled an Act to provide for the location and sale of the five hundred thousand acres of land granted to this State for school purposes and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, approved April twenty-second, eighteen hundred and sixty-one. Connelly.....	451		
398	An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general Railroad Laws of this State, certain rights and privileges. Frisbie....	452		
399	An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and fifty-three. Lupton.....	452		
400	An Act to provide for the annulling of swamp and overflowed lands and other matters relating thereto. Moore.....	452		
401	An Act to provide for the improvement of that part of the Carson River situated in Alpine County, and for that purpose granting to the Board of Supervisors of said Alpine County the right to charge and collect tolls for the floating and transportation of wood, sawlogs and lumber, down the said portion of the Carson River. Payne.....	451	580	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
402	An Act to amend an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Augney.....	451		
403	An Act to amend an Act entitled an Act to change the boundary line between the Counties of Butte and Yuba, at the Woodville House, approved April fifteenth, eighteen hundred and sixty-one. Batchelder.....	451		
404	Proposed amendments to the Revenue Acts of eighteen hundred and sixty-one. Ables.....			
405	An Act to authorize John Oschwin, his associates and assigns, to construct and maintain a public toll road from Booneville, in Anderson Valley, to a point where the Anderson Valley and Ukiah trail intersects the State road in Ukiah Valley. Cureton.....	466		
406	An Act to fund the debt of Alpine County. Payne.....	466		
407	An Act concerning the offices of Sheriff, County Clerk and County Judge of Yuba County. Smith.....	466		
408	An Act to transfer the State's proportion of certain delinquent taxes assessed in and for the County of Alpine to said Alpine County, and to allow said county to retain the State's proportion of the State poll taxes collected therein. Payne	466		
409	An Act entitled an Act to amend an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty. Moore.....	466	900	97
410	An Act to appropriate moneys to pay the claim of A. J. F. Phelan. Dornia.....	466		
411	An Act to authorize the construction and maintenance of a wharf in the County of Monterey. Tully.....	466	594	835
412	An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one. Giltner.....	465	484	724
413	An Act to amend section twelve of an Act entitled an Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election, as approved May first, eighteen hundred and fifty-four, and the several Acts amendatory thereof and supplementary thereto. Jones.....	466		
14	An Act to amend the Act of March sixteenth, eighteen hundred and sixty-four, entitled an Act relating to the office of District Attorney of the County of Sacramento. Biggs.....	465	593	
415	An Act to provide for the improvement of the Truckee River. Waldron	465		
416	An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May the twentieth, one thousand eight hundred and sixty-one, also approved February twenty-ninth, eighteen hundred and sixty-four. Crigler.....	466	632	836

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
417	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and sixty-seven. Broderson,	465		
418	An Act to lower the grade of Sansome street to Lombard street, in the City of San Francisco. Connelly.....	480	592	836
419	An Act to grant the State's portion of the poll taxes and auctioneers licenses, levied and collected in the Counties of Lake, Napa, Sonoma, Contra Costa, Marin, Solano, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, Monterey, Santa Barbara and San Diego, to said counties for county purposes. Moore.....	479		
420	An Act to fix the compensation of the Board of Supervisors of Tulare County. Brown of Tulare.....	479	504	650
421	An Act for the more effectual prevention of cruelty to animals and for the incorporation of a certain association under the name and style of the California Society for the Prevention of Cruelty to Animals. Scudder.....	479	615	976
422	An Act relating to Court Commissioners. Lupton.....	480		
423	An Act to repeal an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March ninth, eighteen hundred and sixty-six. Spilman.....	479		
424	An Act to fix the salaries and compensation of the County Judge, District Attorney and County Treasurer of the County of Alpine. Payne.....	479	590	
425	An Act to define and establish the boundaries of Alpine County, and to annex a portion of Mono County thereto. Payne.....	480		
426	An Act to condemn lands in all cases where corporations are interested. Moore.....	479	618	
427	An Act to legalize certain acts and proceedings of the Board of Supervisors and the Superintendent of Public Streets, Highways and Squares. Canavan.....	479		
428	An Act to provide a suitable residence for the Governor. Bird	482		
429	An Act to amend section five of an Act to provide for the incorporation of colleges. Green.....	495		
430	An Act to authorize the County Treasurer of Santa Barbara County to set aside certain moneys for certain purposes. McElhany.....	492	747	
431	An Act concerning the ancient Jewish Order of Keshar-shel Barsel. Coggins.....	491	582	783
432	An Act to declare and regulate the rates of fare and freights on the Central Pacific Railroad of California. Rollins.....	491		
433	An Act to amend sections six and thirteen of an Act entitled			

Number.....	T I T L E.	Introduced...	Passed Assem- bly.....	Passed Senate.
	an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three. Jones.....	491	605	836
434	An Act amendatory of an Act regulating elections. Bird.....	491		
435	An Act granting leave of absence from the State to Thomas R. Bard, Supervisor of Santa Barbara County. McElhany.....	491	590	691
436	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Cureton.....	491		
437	An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two. Dwinelle.....	492		
433	An Act to abolish the office of Superintendent of Common Schools in the County of Calaveras, and to impose further duties on the County Judge of said county. Mentzell.....	492		
439	An Act to abolish the offices of Township Collector and Assessor and to establish the offices of District Collector and Assessor in the County of Calaveras. Mentzell.....	492		
440	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Dwinelle.....	492	656	
441	An Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Oroville. Cochran.....	491	510	
442	An Act supplemental to and amendatory of an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, and the various Acts supplementary to and amendatory thereof. Comte.....	492	595	
443	An Act to give additional power to the Board of Supervisors of Santa Barbara County to levy a road tax. McElhany.....	492	591	
444	An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets. Middleton.....	491	748	953
445	An Act to amend section thirty-eight of an Act regulating elections. Jones.....	491	581	959
446	An Act to amend an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county. McElhany.....	492		
447	An Act to re-district the County of Los Angeles and to provide for the election of Supervisors. Ellis.....	491	545	690
448	An Act to stay the collection of certain taxes in Fresno County. Mace.....	501	547	690
449	An Act to provide for the better protection of the public funds in the County of Trinity. Jones.....	501		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
450	An Act to amend an Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine. Middleton.....	501	582	
451	An Act making an appropriation for the payment of certain claims, being the expenses growing out of the indictment and trial of Horace Smith. Biggs.....	501		
452	An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco and issuing process on the same. Papp.....	501	592	836
453	An Act to amend section nine of an Act entitled an Act concerning roads and highways in certain counties in this State, approved May fourteenth, eighteen hundred and sixty-one. Ables.....	500	510	575
454	An Act concerning roads and highways in the County of Sacramento. Coggins.....	501	592	691
455	An Act to authorize and empower John Dolbeer, William Carson, David R. Jones and Hahns H. Buhne, or their assigns, to construct and maintain dams, booms and piers on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same. Westmoreland.....	501	595	940
456	An Act granting to the Market Street Railway Company of San Francisco certain rights therein named. O'Malley.....	501	825	999
457	An Act for the relief of J. Scott Ashman, Sheriff of Fresno County. Mace.....	509	568	835
458	An Act to reduce the indebtedness of the County of Mariposa. Giltner.....	509	547	
459	An Act to provide for a railroad within the City of Oakland, Alameda and Contra Costa Counties. Dwinelle.....	520		
460	An Act to provide for the establishment and maintenance of a State Prison at the Town of Rocklin. Waldron.....	420		
461	An Act to provide for the distribution of the pueblo lands in the City and County of San Francisco. Wand.....	519		
462	An Act supplementary to an Act entitled an Act concerning conveyances, approved April sixteenth, eighteen hundred and fifty. Anguey.....	520		
463	An Act to amend an Act concerning grand and trial jurors. Bird.....	519		
464	An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April sixth, eighteen hundred and sixty-three. Church.....	519	568	692
465	An Act to provide for the exemption of certain persons herein named from military and jury duty. Seudder.....	520		
466	An Act to provide for the erection of a Jail and County Recorder's office building in Alameda County. Church.....	519	747	836

Number.....	T I T L E.	Introduced...	Passed Assembly.....	Passed Senate.
467	An Act for the protection of laurel and other valuable cabinet and shipbuilding woods, growing upon the public domain of this State, and to provide for a Board of Timber Commissioners to take charge thereof. Wand.....	519	887	
468	An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, and all Acts amendatory thereof, approved May seventeenth, eighteen hundred and sixty-one. Bird.....	519	579	628
469	An Act to pay the claim of R. B. Bell. Willets.....	519		
470	An Act to provide for the incorporation of such institutions of learning, science and art as may be established by the State. Dwinelle.....	520	614	740
471	An Act to change the name of the Howard Street Religious Society, San Francisco. Middleton.....	519	616	836
472	An Act concerning roads and fences. Rollins.....	520		
473	An Act for the removal and permanent location of the seat of Government of the State of California. Angney.....	530		
474	An Act to provide for the management and sale of the lands belonging to the State. Green.....	530	705	898
475	An Act to encourage the destruction of wild animals and pay a bounty for the scalps thereof. Tully.....	530		
476	An Act to provide for the removal of dead animals and to prevent nuisances in the City and County of San Francisco. Wand.....	530	592	767
477	An Act to authorize the Controller of State to issue a duplicate warrant to John Napier. Mahon.....	530	747	976
478	An Act to regulate salaries and fix the compensation of certain county officers. Committee on Fees and Salaries.....	561	642	859
479	An Act relative to the treatment and care of the indigent sick of the County of El Dorado. Bird.....	562		
480	An Act to provide for a railroad within the City and County of San Francisco. O'Malley.....	561		
481	An Act to provide for the disposition of certain lands in the City and County of San Francisco, State of California. O'Malley.....	561		
482	An Act amendatory of and supplementary to an Act entitled an Act to provide for the location, construction and maintenance of public roads in the County of Nevada, approved March second, eighteen hundred and sixty-four. White.....	561		
483	An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. Rollins.....	563	745	
484	An Act in reference to the wages of working men and mechanics. Payne.....	563	729	

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate..
485	An Act amendatory of and supplemental to an Act concerning the officers of Calaveras County, and the collection of poll taxes and license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine, and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six. Ayer.....	563	824	937
486	An Act to legalize the assessment of taxes for the fiscal year commencing on the first of March, in the year eighteen hundred and sixty-seven, in the County of Lake, State of California, and other acts of the Board of Supervisors of Lake County, done at a special meeting of said Board commencing on the eleventh day of March, eighteen hundred and sixty-seven. Crigler.....	563	748	975
487	An Act granting Francis M. Stone and others certain rights and immunities for fishing purposes, in Tulare Lake. Brown of Tulare.....	564	792	954
488	An Act to amend an Act entitled an Act to authorize guardians of minors, idiots and lunatics, to receive and remove from this State any property to which said ward may be entitled, approved March thirteenth, eighteen hundred and fifty-eight. Papy.....	564	840	
489	An Act to prevent seduction. Scudder.....	564	882	
490	An Act to define the duties and liabilities of pawnbrokers, pledgees and dealers in second hand goods. Scudder.....	564		
491	An Act to provide for the appointment of trustees in certain cases. Connely.....	564	745	
492	An Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three. Moore.....	564	745	974
493	An Act concerning defences in certain proceedings based on judgments recorded for delinquent taxes. Comte.....	564	745	
494	An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two. Church.....	564	747	836
495	An Act to regulate the taking up and posting of stray animals. Green.....	566		
496	An Act authorizing the Sacramento and Yolo Bridge Company to construct a road. Lee.....	562		
497	An Act to circulate information relative to the resources of the State of California. Middleton.....	562		
498	An Act to amend section eleven of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six. Lee.....	562		
499	An Act to fix the time of holding the County Court and Probate Court in the County of Yolo. Kelley.....	562	618	836

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
500	An Act to authorize the County of Yolo to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general Railroad Laws of this State, and to provide for the payment of said bonds. Kelley	562	808	857
501	An Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes. Buckbee.....	562	823	952
502	An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved the nineteenth day of March, A. D. eighteen hundred and sixty-six. Davies.....	562		
503	An Act to grant to Mathew Woods, and his associates, the right to construct and maintain a bridge across the Yuba River, in the County of Yuba, and to collect toll thereon. Smith.....	562	607	740
504	An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six. Clark	562	605	783
505	An Act for the relief of W. B. Ross, Sheriff of Kern County. Brown of Tulare.....	562	904	977
506	An Act to pay the claim of Mark W. Higgins. Canavan.....	562	868	939
507	An Act for the relief of Ira B. Folsom. Mace.....	563		
508	An Act to create a Redemption Fund for the County of Calaveras. Ayer.....	564	747	836
509	An Act relating to assessments for street improvements in the City and County of San Francisco. Canavan.....	564	832	952
510	An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for cleaning the streets, sewers and cesspools of said city and county. Scudder.....	564		
511	An Act to provide for the payment of certain clerks of enrolment and election, in the City and County of San Francisco. Wand	564		
512	An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts amendatory of said Act. Rollins.....	564		
513	An Act to provide for the improvement of the rivers and streams, and to provide penalties for obstructing their channels. Moore.....	565	893	938
514	An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two. Church.....	565		
515	An Act to repeal an Act entitled an Act granting the right of			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
	way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three. Lee	565	658	835
516	An Act to authorize the construction of a turnpike from Mayfield to Pescadero. Moore.....	565		
517	An Act relating to certificates of corporations. Moore.....	565		
518	An Act to amend an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, amended March second, eighteen hundred and sixty-four, to read—An Act to tax and regulate foreign insurance companies doing business in this State. Batchelder.....	565		
519	An Act to create a Board of Insurance Commissioners and to regulate the business of insurance in this State. Dornin.	565		
520	An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three. Moore.....	565	668	836
521	An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a County Jail. Moore.....	565	667	836
522	An Act amendatory of and supplementary to an Act making the office of County Treasurer of Trinity County a salaried office, approved March twenty-first, eighteen hundred and sixty-two. Jones.....	565		
523	An Act to fix the fees of grand and trial jurors in criminal cases, in the County of Tulare. Brown of Tulare.....	565	668	
524	An Act to encourage the production and manufacture of sugar from the sugar beet of California. Westmoreland.....	565	977	
525	An Act concerning hogs found running at large in the County of Mono. Meagher.....	566	748	836
526	An Act concerning hogs found running at large in the County of Monterey. Tully.....	566	740	820
527	An Act entitled an Act creating a special swamp land district in Yolo County. Kelley.....	562		
528	An Act to authorize the sale and conveyance to W. H. Howland, H. B. Angell, E. T. Ring and Cyrus Palmer, their associates and assigns, certain overflowed lands in the City and County of San Francisco. Wand.....	563		
529	An Act to prevent hogs from running at large in the County of Contra Costa. Brown of Contra Costa.....	562	775	820
530	An Act to authorize the Board of Supervisors of Sacramento County to levy a special tax and to provide funds for building a bridge over the American River, from Granite to Mississippi Townships, near the Town of Folsom. Comte.....	563		

Number.....	T I T L E.	Introduced...	Passed Assembly.....	Passed Senate.
531	An Act to encourage the manufacture of steel in this State. Middleton.....	563		939
532	An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five. Moore.....	563	743	977
533	An Act to confer certain powers upon the Sacramento Gas Company and others. Comte.....	563	656	836
534	An Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto. Crigler.....	563	668	836
535	An Act to provide for the payment of certain bonds in the County of San Joaquin. Morrow.....	563	614	835
536	Substitute for Assembly Bills Nos. 153, 310 and 325—An Act for the relief of certain parties therein named. San Francisco Delegation	574	748	
537	An Act supplemental to and amendatory of an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight. Ellis.....	577	668	
538	An Act to authorize Benjamin D. Wilson, W. D. Hanniger, J. De Battle Shorb, John S. Griffin, and their associates, to construct and maintain a turnpike road from some point at or near the Arroyo Seco, in the County of Los Angeles, across the mountains to or in the vicinity of Rock Creek. Ellis.....	577		
539	An Act to authorize the County of Alameda to aid in the construction of the San Francisco and Oakland Railroad and San Francisco and Alameda Railroad. Church.....	577		
540	An Act supplemental to and amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight. Ellis.....	577	668	
541	An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five. Canavan.	577		
542	An Act to provide for the collection of foreign miners' tax. Days.....	577		
543	An Act authorizing Robert Betge and others to lay down and maintain a railroad in the City and County of San Francisco. Broderson.....	577	825	936

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
544	An Act to re-district the County of Monterey and to provide for the election of Supervisors. Tully.....	582	847	
545	An Act to confirm and legalize certain contracts entered into by Peter Donahue and others. Ryland.....	581	844	975
546	An Act supplemental to an Act to provide for the establishment, maintenance and protection of public and private roads in the County of Santa Cruz, approved April seven-teenth, eighteen hundred and sixty-two. Pardee	578		
547	An Act to repeal a certain Act, approved March twenty-seventh, eighteen hundred and sixty-three, and an Act approved March second, eighteen hundred and sixty-six. Giltner.....	578		
548	An Act for the relief of T. M. Brown. Rector.....	578		939
549	An Act to fix the terms of the County Court and Probate Court of the County of Monterey. Tully.....	578	615	859
550	An Act to amend an Act entitled an Act to create an Interest and Sinking Fund for the County of Klamath. Rector.....	578	615	
551	An Act to amend an Act entitled an Act to authorize District Judges in certain cases to sign records and title statements, approved April twelfth, eighteen hundred and fifty-nine. Lupton.....	578	744	
552	An Act to authorize John Hayes and Maria Hayes, guardians of William C. Kisling and Caroline A. Kisling, minors, to sell real estate of said minors at public or private sale. Papy.....	578		
553	An Act to provide for the protection of certain lands in the County of Sutter from overflow. Spilman	578	792	836
554	An Act to amend section three of an Act entitled an Act providing for the payment of officers holding elections, and for transmitting the returns thereof, approved May second, eighteen hundred and fifty-five. Ables.....	589		
555	An Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein. Church	589	748	974
556	An Act for the relief of Samuel J. Garrison and L. P. Hall. Brown of Tulare.....	589	887	
557	An Act granting certain parties therein named the right to lay a railroad track along certain streets in the City and County of San Francisco. Mahon.....	598		
558	An Act to prevent the destruction of fish in certain waters of this State. Comte.....	589		
559	An Act to prevent millers from serving upon juries in the Stanislaus. Newsom.....	589		
560	An Act to incorporate the City of Stockton. Oliver	602	827	
561	An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
	State of California, between the Cities of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six. McElhany.....	602	808	952
562	An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento. Comte.....	602	671	836
563	An Act to provide a fund for the payment of counsel fees and expenses incurred by the County of Mono in defending certain suits where the county was a party thereto. Davies.....	602	790	952
564	An Act to divide the County of Mono into Supervisor districts, fixing compensation of the Board of Supervisors and providing payment for the same, and defining their powers and duties. Davies.....	602	790	954
565	An Act to grant to Frederick W. Kuelp, Theodore Reiser, A. Langerberger and others the right to construct a wharf in the County of Los Angeles. James.....	602	670	
566	An Act relating to promise of marriage. Lee.....	602		
567	An Act to authorize the sale and conveyance to Life C. Watts, his associates and assigns, of certain overflowed and submerged lands in the City and County of San Francisco. Wand.....	602	892	959
568	An Act granting the right to Andrew W. Bell and Victor Beaudry to maintain a ferry at Owens Lake, Inyo County. Meagher.....	602	775	
569	An Act to authorize Thomas H. Holt, J. Clark, J. H. Blumenberg, and associates, to construct a railroad on certain streets in San Francisco. Wand.....	613	844	839
570	An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six. Wolleb.....	613	716	917
571	An Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Supervisors of Plumas County to aid in the construction of certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six. Buckbee.....	613	672	
572	An Act concerning roads in the County of Marin. Ables.....	613	747	952
573	An Act to enable Joseph Spect to float certain claims to swamp and overflowed lands in Sutter County. Spilman.....	613	748	
574	An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Dwinelle.....	613		
575	An Act to develop silk culture in and promote immigration to California. Angney.....	613		
576	An Act to amend section twenty-one of an Act entitled an Act to regulate proceedings in the Courts of justice of this State,			

ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
	passed April twenty-ninth, eighteen hundred and fifty-one. Dwinelle	613	745	
577	An Act in relation to promises made for the purpose of receiving certain debts and claims. Dwinelle.....	613	745	
578	An Act to authorize certain parties to construct a wharf in the County of Solano. Frisbie.....	613	823	937
579	An Act for the relief of William Fitzpatrick. Connely.....	613	671	953
580	An Act supplementary to and amendatory of an Act entitled an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six. Cureton.....	629		
581	An Act to amend section two hundred and five of an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Buckbee.....	629	746	
582	An Act to authorize an appropriation of money for the purpose of having a statue made in honor of Colonel E. D. Baker, deceased, and having the same placed in the Hall of Statues at Washington, D. C., as provided for by section one of an Act of Congress, approved July second, eighteen hundred and sixty-four, and to create a Board of Trustees to carry out the object of such appropriation. Rollins.....	629		
583	An Act to create and organize the University of California. Dwinelle.....	630	742	819
584	An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto, to define the powers and duties of said Commissioners, and to repeal all other Acts relating to the said pueblo or city, the provisions of which are inconsistent with the provisions of this Act. Warfield.....	629	791	938
585	An Act concerning the municipal elections to be held in the City of Petaluma, Sonoma County. Martin.....	629	772	898
586	An Act to amend an Act entitled an Act to regulate the fees of certain officers in Amador County, approved April sixth, eighteen hundred and fifty-nine. Payne.....	629	825	
587	An Act to amend section two hundred and nineteen of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State. Moore.....	630		
588	An Act to authorize and empower Horace Templeton, Thomas W. Moore, William S. C. Chapman and Clinton Gurnee, or their assigns, to float logs and other timber down Pescadero Creek, in Santa Cruz County, to remove from the channel of said creek all obstructions which may interfere with logging on the same, and to construct and maintain dams, booms and piers in said creek, for the term of twenty years. Pardee	629	847	938
589	An Act to incorporate the Town of Watsonville, Santa Cruz County, California. Pardee.....	630	775	948
590	An Act to appropriate money to carry into effect the provisions of an Act therein named. Jones.....	630		

ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
591	An Act declaring certain streams in the County of Alameda navigable. Church.....	630	748	975
592	An Act to provide revenue for the support of the Government of this State. Biggs.....	634		
593	An Act to supply deficient records in the County Clerk's office in the County of Sacramento. Biggs.	634	844	954
594	An Act to amend section eight of an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three. Bird	641	790	
595	An Act entitled an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State. Frisbie.....	640		
596	An Act to extend the provisions of an Act entitled an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty. Lupton	640		
597	An Act to provide for the location, construction and maintenance of public roads in the County of Nevada. White.....	640	792	
598	An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same. Brown of Contra Costa.....	640	792	953
599	An Act to provide for the construction and use of a canal in Islais Creek. Warfield.....	640	893	
600	An Act to establish a municipal Court in the City and County of San Francisco, to be called the Superior Court of the City of San Francisco. Lupton.....	640		
601	An Act to provide for the transfer of certain funds in the County of Placer. Spencer.....	640	790	
602	An Act to repeal an Act to provide for the election of Supervisors of certain counties in this State, approved April fourth, eighteen hundred and sixty-four. Buckbee.....	640	869	
603	An Act to confer powers on Boards of Supervisors in respect to railroad stopping places. Warfield.....	640		
604	An Act to authorize J. S. Woods, William Shattuck, Frank H. Cummings, Daniel W. Clark, S. E. Wilson, E. D. Shirland, and their associates and assigns, to lay down gas pipes in the City of Sacramento, County of Sacramento. Coggins.....	640	847	975
605	An Act granting leave of absence to W. C. Stratton, State Librarian. Brown of Tulare.....	640	749	800
606	An Act to authorize certain persons to construct weirs and traps in the Straits of Carquinez, for the purpose of fishing. Brown of Contra Costa.....	640	790	953
607	An Act to amend the practice in civil cases in the Courts of this State. Warfield.....	640		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
608	An Act to repeal an Act entitled an Act concerning the office of District Attorney of the County of Placer, approved March twenty-second, eighteen hundred and sixty-six. Waldron....	639	791	
609	An Act fixing the salaries of the Assessors of Placer County. Waldron.....	639	791	
610	An Act to fix the salary of the District Attorney of Placer County. Waldron.....	639	792	
611	An Act to fix the salary of the Treasurer of Placer County. Waldron	639	791	
612	An Act to amend sections one, two and three of an Act entitled an Act concerning the office of County Clerk of Placer County. Waldron.....	639	791	
613	An Act to amend section five of an Act entitled an Act to separate the offices of County Recorder, County Auditor, Clerk of the Board of Supervisors and Clerk of the Board of Equalization from the office of County Clerk, in the County of Placer, approved February eleventh, eighteen hundred and fifty-eight, as amended by an Act approved May eighteenth, eighteen hundred and sixty-one. Waldron.....	639	791	
614	An Act to legalize the acts of the Board of Supervisors of Lake County, California, done at a special meeting of said Board commencing on March eleventh, eighteen hundred and sixty-seven. Crigler		748	836
615	An Act to authorize the establishment of a steam ferry between Collinsville, in Solano County, and New York Landing and Antioch, in Contra Costa County. Frisbie.....	640	824	976
616	An Act to amend an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five. Special Committee on Sunday Law.....	653	817	
617	An Act for the better protection of the State Treasury. Warfield	653		977
618	An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March nineteenth, eighteen hundred and sixty-six. Tully.....	653	861	
619	An Act to grant to Mathew Larpy, his associates and assigns, the right to construct and maintain a turnpike or wagon road in the County of Monterey, and to collect tolls thereon. Tully	653		
620	An Act to regulate the issue and transfer of warehouse receipts and other vouchers, and prohibit fraud therein. Frisbie.....	654	864	
621	An Act to authorize the construction and maintenance of a wharf at the Town of New San Diego, on the Bay of San Diego, by William H. Davis, his associates and assigns. Hayes.....	654	809	

Number.....	T I T L E .	Introduced...	Passed Assembly.....	Passed Senate.
622	An Act for the relief of Rebecca C. Hoagland. Kelley.....	654	869	
623	An Act to provide for the establishment and maintenance of a Branch State Prison in the Township of Granite, in the County of Sacramento. Lee	654		
624	An Act to amend an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, and also to amend an Act entitled an Act amendatory of and supplementary to an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, approved March fifth, eighteen hundred and sixty-four. Brown of Tulare.....	654	911	
625	An Act supplemental to an Act entitled an Act to establish the lines and grades of streets in the City and County of San Francisco, approved April fourth, eighteen hundred and sixty-four. Connely.....	654	824	998
626	An Act to amend sections one and four of an Act relating to bills of exchange and promissory notes. Connely	654	888	
627	An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and to repeal certain other Acts in relation to said city, passed April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three. Dwinelle.....	654	772	
628	An Act to provide for the inspection and visitation of the jails and prisons of the State. Lupton.....	654		
629	An Act to provide for the appointment of a short hand reporter for the Criminal Court of the City and County of San Francisco. Connely	666		
630	An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six. Wand.....	666		
631	An Act to authorize Miguel Burke to remove certain human remains. McElhany	666	790	
632	An Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto. Mentzell.....	667		
633	An Act in relation to the County Superintendent of Public Schools in the County of Sierra. Downer	666	792	
634	An Act to authorize the Board of Supervisors of the County of Tuolumne to subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto. Davies.....	666		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
635	An Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one. Buckbee.....	666		
636	An Act to authorize Miguel Pedrorena, Miguel Aguirre, their associates and assigns, to construct and maintain a wharf at the Town of New San Diego, on the Bay of San Diego. Hayes.....	666	809	
637	An Act concerning the foreign miners' license tax in the County of Placer. Spencer.....	667	850	959
638	An Act to confirm a certain conveyance of pueblo lands of the Pueblo (now City) of San Diego to José A. Aguirre and others. Hayes.....	666	474	
639	An Act to prevent stallions from running at large in certain counties of this State. Buckbee.....	666	889	
640	An Act to provide for the purchase of the Sacramento and Yolo Bridge, and for the construction of a wagon road leading thereto. Coggins.....	666		
641	An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four. Brown of Contra Costa.....	680	744	974
642	An Act to amend an Act entitled an Act supplementary to an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, approved March twenty-fourth, eighteen hundred and sixty-four. Buckbee.....	678	959	
643	An Act to provide for the better observance of the first day of the week, known as Sunday. Steele.....	678		
644	An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Steele.....	678		
645	An Act to provide for the collection of a road tax and its application on the public roads in the County of El Dorado. Bird.....	678	792	936
646	An Act to provide a fund for the redemption of and prescribing the manner of redeeming the outstanding county warrants drawn upon the Treasurer of Tuolumne County, and further to provide a fund for the payment of the current expenses of said Tuolumne County. Davies.....	678		
647	An Act to exempt certain property named herein from execution. Rollins.....	678		937
648	An Act to authorize James Kenny and his assigns to construct and maintain a chute and landing at Cuffey's Cove, Mendocino County, and to charge and collect tolls for the use of the same. Cureton.....	678	809	945
649	An Act to authorize certain persons to construct a wharf in Solano County. Frisbie.....	693		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
650	An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, one thousand eight hundred and sixty-eight. Westmoreland.....	694	808	859
651	An Act concerning public roads and highways in the County of Monterey. Tully.....	694	774	820
652	An Act concerning the office of Prosecuting Attorney in the Police Court of the City and County of San Francisco. Connely..	694	773	
653	An Act to further provide for filling of vacancies in office in this State. Fairchild.....	694		
654	An Act to authorize the sale and conveyance to William H. Palmer, Wales L. Palmer, Israel W. Knox and Charles H. Knox, their associates and assigns, certain overflowed lands in the City and County of San Francisco. Papy.....	694	869	
655	An Act relating to uncalled for balances in banks and savings and loan societies. Seudder.....	694	904	
656	An Act to provide against the failure of testimony in certain cases. Dwinelle.....	694	888	977
657	An Act to construct and maintain a canal or navigable channel in Alameda County. Dwinelle...	694		
658	An Act to provide for the permanent establishment of the water front of the City and County of San Francisco, and for the construction of a seawall. Bird.....	701		
659	An Act to facilitate the City of Sacramento in procuring material to raise its streets and levees. Coggins.....	702		940
660	An Act to ratify and confirm a certain ordinance of the City of Petaluma in relation to supplying said city with water. Martin.....	701	714	938
661	An Act concerning the leasing of the water front of the City and County of San Francisco by the Board of State Harbor Commissioners. Connely	792		
662	An Act to correct a clerical error in section two of an Act entitled an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes, approved March sixth, eighteen hundred and sixty-eight. Green.....	702		741
663	An Act to authorize the execution of certain conveyances to S.M. Stone. Moore.....	702	774	
664	An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, passed March twenty-sixth, eighteen hundred and sixty-six. Meagher.....	702		
665	An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras. Mentzell..	702	775	975
666	An Act to authorize an investigation of the management of			

Number.....	T I T L E.	Introduced...	Passed Assembly.....	Passed Senate.
	the Industrial School of the City and County of San Francisco. Middleton.....	701	775	959
667	An Act to aid in carrying out the provisions of the Acts of Congress relating to the Western Pacific Railroad Company, and other matters relating to said company. Judiciary Committee.....			
668	An Act to authorize and empower E. P. Figg and C. C. Hayden, or their assigns, to construct and maintain dams, booms and piers on Eel River, in Humboldt County, and to remove all obstructions in the channel of said river, or in any of the sloughs running into said river, which may interfere with logging or lumbering on the same. Westmoreland.....	725	825	939
669	An Act providing for levying and collecting tax for school purposes in the County of Santa Cruz. Pardee.....	725	825	
670	An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six. Connely.....	725	822	920
671	An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Joseph S. Manassa, Marcus Schiller, David B. Hoffman, their associates and assigns. Hayes.....	725	826	
672	An Act supplementary to an Act entitled an Act to provide for the government of the County of San Diego, approved March thirteenth, eighteen hundred and sixty-eight. Hayes.....	725	827	
673	An Act to confer further powers upon the Board of Trustees of the Town of Eureka. Westmoreland.....	725	824	
674	An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendment thereto, passed May ninth, eighteen hundred and sixty-one. Spilman.....	725	824	937
675	An Act authorizing the construction of a wharf on the Bay of San Diego, in the County of San Diego, by Louis Rose, his associates and assigns. Hayes.....	725	826	
676	An Act to confer additional powers on the Trustees of the City of Sacramento. Coggins.....	724	847	976
677	An Act to enable the City of Oakland to settle its controversies. Middleton.....	724	746	800
678	An Act for the relief of John Kneeland. Tuttle.....	725		
679	An Act to appropriate money for contingent expenses of the Legislature. Anguey.....		741	783
680	An Act to grant to Richard Dagen and his associates a road franchise in the County of Del Norte. Rector.....	726		
681	An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco heretofore sought to be conveyed under the provisions of the Act passed May third,			

Number.	T I T L E.	Introduced...	Passed Assem- bly.....	Passed Senate.
	eighteen hundred and fifty-four, entitled an Act to author- ize the Governor of the State to convey certain property in the City and County of San Francisco to the United States for certain purposes. Buckbee	725	741	974
682	An Act for the relief of Francis MacGrath. Gregory	726		
683	An Act for the relief of James W. Bicknell. Gregory.....	726		
684	An Act to authorize the construction of a wharf in the City of Petaluma. Martin.....	726	824	
685	An Act to create the office of County Assessor in Calaveras County, define his duties and fix his compensation. Ment- zell.....	725		
686	An Act to amend an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers. Tully.....	726		
687	An Act for the relief of Owen Curran. Mengher.....	726		
688	An Act authorizing R. D. Hopkins and others to construct a wharf at the City of Vallejo, in the County of Solano. Frisbie.....	726	867	938
689	An Act concerning Roadmasters in the County of Stanislaus. Newsom.....	726	824	
690	An Act to encourage and develop the Angora or Cashmere goat enterprise in this State. Bird.....	726		
691	An Act to authorize the Controller to credit J. Hop. Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts. Green.....	726	869	936
692	An Act supplementary to and amendatory of an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washing- ton, to certain parties therein named, approved April third, eighteen hundred and fifty-seven. Lee.....	726		
693	An Act making appropriations for the support of the civil Gov- ernment of the State of California for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thir- tieth day of June, eighteen hundred and seventy. Commit- tee on Ways and Means.....		693	913
694	An Act for the encouragement of agricultural societies in this State. Watson	740	922	976
695	An Act concerning the assets of certain swamp land districts. Green.....	741		
696	An Act to create a Bridge Fund in the County of Placer, and to authorize the levy of a tax therefor. Waldron.....	741	826	979
697	An Act to prevent losses to the State and to counties from irregularities committed or suffered in relation to official bonds. Dwinelle.....	741		

Number....	T I T L E.	Introduced...	Passed Assembly.....	Passed Senate.
698	An Act to amend an Act entitled an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty. Dwinelle.....	741		
699	An Act granting leave of absence to Francis A. L. Jones, Recorder and Auditor of Alpine County. Payne.....	741	826	
700	An Act to repeal an Act entitled an Act to incorporate the Town of San Buenaventura. McElhany.....	741	851	977
701	An Act to authorize the Supervisors of Colusa County to transfer moneys from one fund to another. Green.....	741	826	937
702	An Act to amend section three of an Act entitled an Act providing for the government of the County of Sacramento. Sacramento delegation.....	741	826	937
703	An Act for the relief of William O'Shea. Lupton.....	756		
704	An Act to enable the County of Alameda to purchase a tract of land and use the same for charitable purposes and establish a Home for the Unfortunate. Church	769		976
705	An Act for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise. Connely.....	770	794	
706	An Act amendatory of and supplemental to an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six. Lee.....	769		
707	An Act concerning roads and highways in the County of Placer. Spencer.....	770	844	954
708	An Act to fix the salaries of State officers and Clerks and the pay of members of the Legislature and employes. Bird.....	770		
709	An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Fairchild.....	769		
710	An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the County of Klamath. Rector.....	770	845	884
711	An Act to further extend the time for the completion of the Campo Seco and Mokelumne Hill Turnpike Road. Mentzell	770	844	
712	An Act concerning non-residents, the liability of their agents and others. Cochran.....	770		
713	An Act to repeal parts of an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six. Buckbee	769	844	954
714	An Act to amend section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the			

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
	same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six. Pardee.....	770	845	938
715	An Act to prevent extortionate service in certain occupations. White.....	770		
716	An Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof. Buckbee.....	770	846	939
717	An Act to amend section nine of an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four, approved March tenth, eighteen hundred and sixty-six. Cochran.....	770	846	975
718	An Act to extend the time of commencing the construction of the Stockton and Copperopolis Railroad, also that of the Stanislaus and Mariposa Railroad. Oliver.....	770	846	936
719	An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six. Brown of Contra Costa.....	770	825	
720	An Act to increase the number of Notaries Public for Mendocino County. Cureton.....	784	847	936
721	An Act to amend an Act entitled an Act fixing the number of officers and employes of the Senate and Assembly and establishing their pay, approved May twentieth, eighteen hundred and sixty-one. Steele.....	784		
722	An Act to provide for the care and maintenance of indigent insane persons in the State of California. Warfield.....	786	838	
723	An Act to provide for a drainage district in the County of Yolo. Kelley.....	785	847	937
724	An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to grant the right to lay down gas pipes in the streets of said city and county, subject to certain restrictions and requirements, approved April twenty-seventh, eighteen hundred and sixty-three. Scudder.....	785		
725	An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein. Connely.....	785	847	935
726	An Act amendatory of and supplemental to an Act entitled an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six. Committee on Education.....	785		
727	An Act to pay a certain claim. Angney.....	785	904	939

Number	TITLE.	Introduced...	Passed Assembly	Passed Senate.
728	An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court of the County of Sonoma, approved March tenth, eighteen hundred and sixty-six. Martin.....	785	847	976
729	An Act for the relief of Anna Cochran. Jones.....	785		
730	An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two. Steele.....	784	869	936
731	An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell certain property at private sale. Scudder.....	784	848	920
732	An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four. Steele.....	784		
733	An Act to authorize the guardian of Louisa S. Beverly and Isabella G. Beverly to sell and convey real estate. Lupton..	784		
734	An Act to amend an Act entitled an Act to amend section five hundred and forty-three of an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Lupton.....	785		
735	An Act to prevent Swamp Land District Number Two from overflow. Coggins.....	785	910	973
736	An Act to authorize the construction of a wharf at Vallejo, Solano County. Frisbie.....	801	867	937
737	An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight. Ellis.....	802	848	938
738	An Act to provide for the sale and conveyance of tide lands to the House Carpenters' Protective Union. O'Malley	801		
739	An Act amendatory of and supplemental to an Act entitled an Act granting to the mining counties of this State the foreign miners' license tax collected in said counties severally. Rector.....	802		
740	An Act supplemental to an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March nineteenth, eighteen hundred and sixty-eight. Dwinelle.....	801	823	959
741	An Act empowering the City Council of the City of Oakland to remove obstructions at the mouth of the San Antonio Creek and to keep the channel of said creek open for navigation. Dwinelle.....	801	848	936
742	An Act for the relief of counties and other municipal corporations in relation to their funded bonds. Dwinelle.....	802		

ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
743	An Act to provide for the election of Supervisors in the County of Santa Cruz and for the division of said county into Supervisor Districts. Pardee.....	802	833	936
744	An Act to provide for the improvement of the navigation of the Stanislaus River. Newsom.....	802	848	937
745	An Act to provide a law library for the Supreme Court. Fairchild.....	802		
746	An Act to amend an Act entitled an Act to authorize J. Q. A. Tilton and others to construct and maintain a turnpike road from the point where the main county road crosses the San Mateo Creek to Half Moon Bay, and to charge and collect toll for travel thereon, approved March twentieth, eighteen hundred and sixty-six. Connelley.....	802	848	
747	An Act to extend the term of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited. Fairchild.....	802	868	938
748	An Act appointing Commissioners to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley. Mace.....	802	847	938
749	An Act to provide for the purchase of three hundred copies of Cronise's Natural Wealth of California. Green.....	802		
750	An Act amendatory of and supplementary to an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three, and to make said Act applicable to the County of Lassen. Buckbee.....	802	850	
751	An Act authorizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county. Meagher.....	819	850	917
752	An Act to authorize the Board of Supervisors of the County of San Joaquin to take and subscribe one hundred thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, to branch of said road, and to provide for the payment of the same and other matters relating thereto. Oliver.....	838		
753	An Act granting certain parties the right to build a wharf. Oliver.....	838	911	945
754	An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. W. Price. Tuttle.....	838		937
755	An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and amendments thereto. Brown of Contra Costa.....	838	856	977
756	An Act to authorize the Common Council of the City of Stockton to subscribe to railroads. Oliver.....	838		
757	An Act to provide funds to pay the floating debt of Butte County. Cochran.....	838		

Number.....	TITLE.	Introduced...	Passed Assembly.....	Passed Senate.
758	An Act to authorize the sale and conveyance of certain submerged lands in the City and County of San Francisco to the California Nail Manufacturing Company. Warfield.....	838		
759	An Act to restrain the importation of Chinese coolies into the State of California. Canavan.....	860		
760	An Act to repeal an Act incorporating the Town of Auburn. Tuttle.....	860	893	
761	An Act for the relief of John W. Ball. Committee on Claims.		976	
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768	An Act to authorize the Board of State Harbor Commissioners to lease to Calvin Page certain lands at the foot of Union street, in the City and County of San Francisco. O'Malley..	893		
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773	An Act supplemental to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and sixty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two, and to amend and repeal other Acts and parts of Acts relating to said City of Oakland. Alameda delegation.....			959

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776	An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto. Spencer.....		930	945
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781	An Act supplemental to an Act entitled an Act to prevent hogs running at large in the County of Contra Costa. Brown of Contra Costa.....			
782	An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.....			
783	An Act to amend an Act entitled an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved January eleventh, eighteen hundred and sixty-eight. Davies.....			999

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21	Relative to instructing the Committee on Public Buildings to examine into the condition and progress of the Capitol building now in course of erection, the manner in which materials have been procured and the business in connection therewith. Comte.....	231
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58	Relative to the investment of the Agricultural College Fund. Dwinelle.....	
59	Relative to purchasing two copies of the picture known as "First in Peace.".....	
60	Relative to the Pious Fund of California. Dwinelle.....	
61	Relative to pay of experts, witnesses and others employed by the Capitol Investigating Committee.....	
62	Relative to granting leave of absence to J. H. Batchelor.....	
63	Relative to recalling from the Governor, Assembly Bill No. 254. Middleton.....	
64	Relative to paying the claim of A. A. Bennett.....	
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